

HOUSE BILL No. 4025

January 22, 2009, Introduced by Rep. Hammel and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 2 (MCL 28.722), as amended by 2005 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Convicted" means 1 of the following:

3 (i) Having a judgment of conviction, **A DISPOSITION OF NOT**
4 **GUILTY BY REASON OF INSANITY**, or a probation order entered in any
5 court having jurisdiction over criminal offenses, including, but
6 not limited to, a tribal court or a military court, and including a
7 conviction subsequently set aside under 1965 PA 213, MCL 780.621 to
8 780.624.

1 (ii) Either of the following:

2 (A) Being assigned to youthful trainee status under sections
3 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
4 175, MCL 762.11 to 762.15, before October 1, 2004.

5 (B) Being assigned to youthful trainee status under sections
6 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
7 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
8 individual's status of youthful trainee is revoked and an
9 adjudication of guilt is entered.

10 (iii) Having an order of disposition entered under section 18 of
11 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
12 that is open to the general public under section 28 of chapter XIIA
13 of the probate code of 1939, 1939 PA 288, MCL 712A.28.

14 (iv) Having an order of disposition or other adjudication in a
15 juvenile matter in another state or country.

16 (b) "Department" means the department of state police.

17 (c) "Institution of higher education" means 1 or more of the
18 following:

19 (i) A public or private community college, college, or
20 university.

21 (ii) A public or private trade, vocational, or occupational
22 school.

23 (d) "Local law enforcement agency" means the police department
24 of a municipality.

25 (e) "Listed offense" means any of the following:

26 (i) A violation of section 145a, 145b, or 145c of the Michigan
27 penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c.

1 (ii) A violation of section 158 of the Michigan penal code,
2 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
3 years of age.

4 (iii) A violation of section 335a(2)(b) of the Michigan penal
5 code, 1931 PA 328, MCL 750.335a, if that individual was previously
6 convicted of violating section 335a of that act.

7 (iv) A third or subsequent violation of any combination of the
8 following:

9 (A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328,
10 MCL 750.167.

11 (B) Section 335a(2)(a) of the Michigan penal code, 1931 PA
12 328, MCL 750.335a.

13 (C) A local ordinance of a municipality substantially
14 corresponding to a section described in sub-subparagraph (A) or
15 (B).

16 (v) Except for a juvenile disposition or adjudication, a
17 violation of section 338, 338a, or 338b of the Michigan penal code,
18 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
19 individual less than 18 years of age.

20 (vi) A violation of section 349 of the Michigan penal code,
21 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
22 years of age.

23 (vii) A violation of section 350 of the Michigan penal code,
24 1931 PA 328, MCL 750.350.

25 (viii) A violation of section 448 of the Michigan penal code,
26 1931 PA 328, MCL 750.448, if a victim is an individual less than 18
27 years of age.

1 (ix) A violation of section 455 of the Michigan penal code,
2 1931 PA 328, MCL 750.455.

3 (x) A violation of section 520b, 520c, 520d, 520e, or 520g of
4 the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
5 750.520d, 750.520e, and 750.520g.

6 (xi) Any other violation of a law of this state or a local
7 ordinance of a municipality that by its nature constitutes a sexual
8 offense against an individual who is less than 18 years of age.

9 (xii) An offense committed by a person who was, at the time of
10 the offense, a sexually delinquent person as defined in section 10a
11 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

12 (xiii) An attempt or conspiracy to commit an offense described
13 in subparagraphs (i) to (xii).

14 (xiv) An offense substantially similar to an offense described
15 in subparagraphs (i) to (xiii) under a law of the United States, any
16 state, or any country or under tribal or military law.

17 (f) "Municipality" means a city, village, or township of this
18 state.

19 (g) "Residence", as used in this act, for registration and
20 voting purposes means that place at which a person habitually
21 sleeps, keeps his or her personal effects, and has a regular place
22 of lodging. If a person has more than 1 residence, or if a wife has
23 a residence separate from that of the husband, that place at which
24 the person resides the greater part of the time shall be his or her
25 official residence for the purposes of this act. This section shall
26 not be construed to affect existing judicial interpretation of the
27 term residence.

1 (h) "Student" means an individual enrolled on a full- or part-
2 time basis in a public or private educational institution,
3 including, but not limited to, a secondary school, trade school,
4 professional institution, or institution of higher education.