

**SUBSTITUTE FOR  
SENATE BILL NO. 189**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) The officer, court, or agency registering an  
2 individual or receiving or accepting a registration under section 4  
3 or receiving notice under section 5(1) shall provide the individual

1 with a copy of the registration or notification at the time of  
2 registration or notice.

3 (2) The officer, court, or agency registering an individual or  
4 receiving or accepting a registration under section 4 or notified  
5 of an address change under section 5(1) shall forward the  
6 registration or notification to the department ~~by the law~~  
7 ~~enforcement information network within 3 business days~~ **IN A MANNER**  
8 **PRESCRIBED BY THE DEPARTMENT IMMEDIATELY** after registration or  
9 notification.

10 Sec. 7. (1) ~~A registration~~ **REGISTRATION INFORMATION OBTAINED**  
11 under this act ~~shall be made on a form provided by the department~~  
12 ~~and~~ shall be forwarded to the department in the format the  
13 department prescribes. ~~, along with~~ **EXCEPT AS PROVIDED IN SECTION**  
14 **5B(3), a \$35.00-\$50.00 registration fee for** **SHALL ACCOMPANY** each  
15 original registration. ~~, except as otherwise provided in section~~  
16 ~~5b. A registration shall contain all of the following:~~ **ALL OF THE**  
17 **FOLLOWING INFORMATION SHALL BE OBTAINED OR OTHERWISE PROVIDED FOR**  
18 **REGISTRATION PURPOSES:**

19 (a) The individual's **LEGAL** name ~~, social security number, date~~  
20 ~~of birth, and address or expected address.~~ **AND ANY ALIASES,**  
21 **NICKNAMES, ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE**  
22 **INDIVIDUAL IS OR HAS BEEN KNOWN.** An individual who is in a witness  
23 protection and relocation program is only required to use the name  
24 and identifying information reflecting his or her new identity in a  
25 registration under this act. The registration and compilation  
26 databases shall not contain any information identifying the  
27 individual's prior identity or locale. ~~The department shall request~~

1 ~~each individual to provide his or her date of birth if it is not~~  
2 ~~included in the registration, and that individual shall comply with~~  
3 ~~the request within 10 days.~~

4 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL  
5 SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED  
6 BY THE INDIVIDUAL.

7 (C) THE INDIVIDUAL'S DATE OF BIRTH AND ANY ALLEGED DATES OF  
8 BIRTH PREVIOUSLY USED BY THE INDIVIDUAL.

9 (D) THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.  
10 IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION  
11 UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR  
12 TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE OR, IF THE  
13 INDIVIDUAL IS HOMELESS, THE VILLAGE, CITY, OR TOWNSHIP WHERE THE  
14 PERSON SPENDS OR WILL SPEND THE MAJORITY OF HIS OR HER TIME.

15 (E) THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING  
16 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE  
17 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER  
18 RESIDENCE FOR MORE THAN 7 DAYS. INFORMATION UNDER THIS SUBDIVISION  
19 SHALL INCLUDE THE DATES THE LODGING IS USED OR TO BE USED.

20 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S  
21 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A  
22 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT  
23 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS  
24 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF  
25 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER. IF THE INDIVIDUAL LACKS  
26 A FIXED EMPLOYMENT LOCATION, THE INFORMATION OBTAINED UNDER THIS  
27 SUBDIVISION SHALL INCLUDE THE GENERAL AREAS WHERE THE INDIVIDUAL

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1 WORKS AND THE NORMAL TRAVEL ROUTES TAKEN BY THE INDIVIDUAL IN THE  
2 COURSE OF HIS OR HER EMPLOYMENT.

3 (G) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE  
4 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A  
5 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS  
6 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE <<POSTSECONDARY>>  
SCHOOL OR  
7 SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

8 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR  
9 ROUTINELY USED BY THE INDIVIDUAL.

10 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE  
11 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE  
12 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE  
13 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT  
14 MESSAGING SYSTEM.

15 (J) THE LICENSE PLATE NUMBER, REGISTRATION NUMBER, AND  
16 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR  
17 REGULARLY OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE  
18 MOTOR VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

19 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL  
20 IDENTIFICATION CARD NUMBER.

21 (L) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER  
22 IMMIGRATION DOCUMENTS.

23 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING  
24 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL  
25 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

26 (N) ~~(b)~~—A brief summary of the individual's convictions for  
27 listed offenses regardless of when the conviction occurred,

1 including where the offense occurred and the original charge if the  
2 conviction was for a lesser offense.

3 (O) ~~(e)~~—A complete physical description of the individual.

4 (P) ~~(d)~~—The photograph required under section 5a.

5 (Q) ~~(e)~~—The individual's fingerprints if not already on file  
6 with the department **AND THE INDIVIDUAL'S PALM PRINTS**. An individual  
7 required to be registered ~~on September 1, 1999~~ **UNDER THIS ACT** shall  
8 have his or her fingerprints **OR PALM PRINTS OR BOTH** taken not later  
9 than September 12, ~~1999~~ **2011** if **HIS OR HER FINGERPRINTS OR PALM**  
10 **PRINTS ARE** not already on file with the department. The department  
11 shall forward a copy of the individual's fingerprints **AND PALM**  
12 **PRINTS** to the federal bureau of investigation if not already on  
13 file with that bureau.

14 (R) ~~(f)~~—Information that is required to be reported under  
15 section 4a.

16 (2) A registration ~~may~~ **SHALL** contain ~~the individual's blood~~  
17 ~~type and whether a DNA identification profile of the individual is~~  
18 ~~available~~ **ALL OF THE FOLLOWING:**

19 (A) **AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER**  
20 **LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE**  
21 **PHOTOGRAPH REQUIRED UNDER THIS ACT.**

22 (B) **THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL**  
23 **OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.**

24 (C) **ANY OUTSTANDING ARREST WARRANT INFORMATION.**

25 (D) **THE INDIVIDUAL'S TIER CLASSIFICATION.**

26 (E) **AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN**  
27 **COLLECTED AND ANY RESULTING DNA PROFILE HAS BEEN ENTERED INTO THE**

1 FEDERAL COMBINED DNA INDEX SYSTEM (CODIS).

2 (F) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,  
3 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

4 (G) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS NUMBER  
5 AND STATUS OF PAROLE, PROBATION, OR SUPERVISED RELEASE.

6 (H) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

7 (3) The form used for ~~registration or verification~~  
8 NOTIFICATION OF DUTIES under this act shall contain a written  
9 statement that explains the duty of the individual being registered  
10 to provide notice of a ~~change of address under section 5,~~ **CHANGES**  
11 **IN HIS OR HER REGISTRATION INFORMATION**, the procedures for  
12 providing that notice, and the verification procedures under  
13 section 5a.

14 (4) The individual shall sign a registration ~~AND~~ notice. ~~AND~~  
15 ~~and verification.~~ However, the registration ~~AND~~ notice ~~or~~  
16 ~~verification~~ shall be forwarded to the department regardless of  
17 whether the individual signs it or pays the registration fee  
18 required under subsection (1).

19 (5) The officer, court, or an employee of the agency  
20 registering the individual or receiving or accepting a registration  
21 under section 4 shall sign the registration form.

22 (6) An individual shall not knowingly provide false or  
23 misleading information concerning a registration, notice, or  
24 verification.

25 (7) The department shall prescribe the form for a notification  
26 required under section 5 and the format for forwarding the  
27 notification to the department.

1 (8) The department shall promptly provide registration,  
2 notice, and verification information to the federal bureau of  
3 investigation and to local law enforcement agencies, sheriff's  
4 departments, department posts, and ~~agencies of other states~~  
5 ~~requiring the information,~~ **OTHER REGISTERING JURISDICTIONS**, as  
6 provided by law.

7 Sec. 8. (1) The department shall maintain a computerized **LAW**  
8 **ENFORCEMENT** database of registrations and notices required under  
9 this act. **THE LAW ENFORCEMENT DATABASE SHALL CONTAIN ALL OF THE**  
10 **FOLLOWING INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS**  
11 **ACT:**

12 (A) **THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,**  
13 **ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS**  
14 **OR HAS BEEN KNOWN.**

15 (B) **THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL**  
16 **SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED**  
17 **BY THE INDIVIDUAL.**

18 (C) **THE INDIVIDUAL'S DATE OF BIRTH AND ANY ALLEGED DATES OF**  
19 **BIRTH PREVIOUSLY USED BY THE INDIVIDUAL.**

20 (D) **THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.**  
21 **IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION**  
22 **UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR**  
23 **TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE OR, IF THE**  
24 **INDIVIDUAL IS HOMELESS, THE VILLAGE, CITY, OR TOWNSHIP WHERE THE**  
25 **INDIVIDUAL SPENDS OR WILL SPEND THE MAJORITY OF HIS OR HER TIME.**

26 (E) **THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING**  
27 **USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE**

1 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER  
2 RESIDENCE FOR MORE THAN 7 DAYS. INFORMATION UNDER THIS SUBDIVISION  
3 SHALL INCLUDE THE DATES THE LODGING IS USED OR TO BE USED.

4 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S  
5 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A  
6 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT  
7 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS  
8 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF  
9 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

10 (G) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE  
11 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A  
12 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS  
13 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE POSTSECONDARY  
14 SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

15 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR  
16 ROUTINELY USED BY THE INDIVIDUAL.

17 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE  
18 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE  
19 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE  
20 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT  
21 MESSAGING SYSTEM.

22 (J) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND  
23 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR  
24 REGULARLY OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE  
25 MOTOR VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

26 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL  
27 IDENTIFICATION CARD NUMBER.



1 (I) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER  
2 IMMIGRATION DOCUMENTS.

3 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING  
4 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL  
5 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

6 (N) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED  
7 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED, INCLUDING  
8 WHERE THE OFFENSE OCCURRED AND THE ORIGINAL CHARGE IF THE  
9 CONVICTION WAS FOR A LESSER OFFENSE.

10 (O) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

11 (P) THE PHOTOGRAPH REQUIRED UNDER SECTION 5A.

12 (Q) THE INDIVIDUAL'S FINGERPRINTS AND PALM PRINTS.

13 (R) AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER  
14 LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE  
15 PHOTOGRAPH REQUIRED UNDER THIS ACT.

16 (S) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL  
17 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

18 (T) ANY OUTSTANDING ARREST WARRANT INFORMATION.

19 (U) THE INDIVIDUAL'S TIER CLASSIFICATION AND REGISTRATION  
20 STATUS.

21 (V) AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN  
22 COLLECTED AND ANY RESULTING DNA PROFILE HAS BEEN ENTERED INTO THE  
23 FEDERAL COMBINED DNA INDEX SYSTEM (CODIS).

24 (W) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,  
25 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

26 (X) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS NUMBER  
27 AND THE STATUS OF HIS OR HER PAROLE, PROBATION, OR RELEASE.

1 (Y) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

2 (2) The department shall maintain a ~~computerized database~~  
3 PUBLIC INTERNET WEBSITE separate from ~~that~~ THE LAW ENFORCEMENT  
4 DATABASE described in subsection (1) to implement section 10(2) and  
5 (3). Except as provided in subsection ~~(3)~~ (4), the ~~database~~ PUBLIC  
6 INTERNET WEBSITE shall ~~consist of a compilation of individuals~~  
7 CONTAIN ALL OF THE FOLLOWING INFORMATION FOR EACH INDIVIDUAL  
8 registered under this act: -

9 (A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,  
10 ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS  
11 OR HAS BEEN KNOWN.

12 (B) THE INDIVIDUAL'S DATE OF BIRTH.

13 (C) THE ADDRESS WHERE THE INDIVIDUAL RESIDES. IF THE  
14 INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION UNDER  
15 THIS SUBSECTION SHALL IDENTIFY THE VILLAGE, CITY, OR TOWNSHIP USED  
16 BY THE INDIVIDUAL IN LIEU OF A RESIDENCE.

17 (D) THE ADDRESS OF EACH OF THE INDIVIDUAL'S EMPLOYERS. FOR  
18 PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A CONTRACTOR AND  
19 ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT WITH THE  
20 INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS  
21 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF  
22 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

23 (E) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE  
24 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A  
25 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS  
26 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE POSTSECONDARY  
27 SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

1 (F) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND  
2 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR  
3 REGULARLY OPERATED BY THE INDIVIDUAL.

4 (G) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED  
5 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED.

6 (H) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

7 (I) THE PHOTOGRAPH REQUIRED UNDER THIS ACT. IF NO PHOTOGRAPH  
8 IS AVAILABLE, THE DEPARTMENT SHALL USE AN ARREST PHOTOGRAPH OR  
9 MICHIGAN DEPARTMENT OF CORRECTIONS PHOTOGRAPH UNTIL A PHOTOGRAPH AS  
10 PRESCRIBED IN SECTION 5A BECOMES AVAILABLE.

11 (J) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL  
12 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

13 (K) THE INDIVIDUAL'S REGISTRATION STATUS.

14 (L) THE INDIVIDUAL'S TIER CLASSIFICATION.

15 (3) THE FOLLOWING INFORMATION SHALL NOT BE MADE AVAILABLE ON  
16 THE PUBLIC INTERNET WEBSITE DESCRIBED IN SUBSECTION (2):

17 (A) THE IDENTITY OF ANY VICTIM OF THE OFFENSE.

18 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

19 (C) ANY ARRESTS NOT RESULTING IN A CONVICTION.

20 (D) ANY TRAVEL OR IMMIGRATION DOCUMENT NUMBERS.

21 (E) ANY ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE  
22 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE  
23 INDIVIDUAL AND ANY LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE  
24 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT  
25 MESSAGING SYSTEM.

26 (F) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL  
27 IDENTIFICATION CARD NUMBER.

1           (4) ~~(3)~~—The database **PUBLIC INTERNET WEBSITE** described in  
2 subsection (2) shall not include the following individuals:

3           (a) An individual registered solely because he or she had 1 or  
4 more dispositions for a listed offense entered under section 18 of  
5 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,  
6 in a case that was not designated as a case in which the individual  
7 was to be tried in the same manner as an adult under section 2d of  
8 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.  
9 ~~Except as provided in subdivision (b), the exclusion for juvenile~~  
10 ~~dispositions does not apply to a disposition for a violation of~~  
11 ~~section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL~~  
12 ~~750.520b and 750.520c, after the individual becomes 18 years of~~  
13 ~~age.~~

14           (b) An individual ~~who is exempt under section 8d from that~~  
15 ~~database~~ **REGISTERED SOLELY BECAUSE HE OR SHE WAS THE SUBJECT OF AN**  
16 **ORDER OF DISPOSITION OR OTHER ADJUDICATION IN A JUVENILE MATTER IN**  
17 **ANOTHER STATE OR COUNTRY.**

18           (c) **AN INDIVIDUAL REGISTERED SOLELY BECAUSE HE OR SHE HAS BEEN**  
19 **CONVICTED OF A SINGLE TIER I OFFENSE.**

20           (5) ~~(4)~~—The compilation of individuals shall be indexed  
21 **ALPHABETICALLY BY VILLAGE, CITY, TOWNSHIP, AND COUNTY,** numerically  
22 by zip code area, **AND GEOGRAPHICALLY AS DETERMINED APPROPRIATE BY**  
23 **THE DEPARTMENT.** ~~Within each zip code area, the compilation shall~~  
24 ~~contain all of the following information:~~

25           ~~— (a) The name and aliases, address, physical description, and~~  
26 ~~birth date of each individual registered under this act who is~~  
27 ~~included in the compilation and who resides in that zip code area~~

1 ~~and any listed offense of which the individual has been convicted.~~

2 ~~—— (b) The name and campus location of each institution of higher~~  
3 ~~education to which the individual is required to report under~~  
4 ~~section 4a.~~

5 ~~—— (c) Beginning May 1, 2005, the photograph of each individual~~  
6 ~~registered under this act. The department shall obtain the~~  
7 ~~photographs submitted under section 5a from the secretary of state~~  
8 ~~for purposes of implementing this subdivision.~~

9 (6) ~~(5)~~The department shall update the ~~compilation~~ **PUBLIC**  
10 **INTERNET WEBSITE** with new registrations, deletions from  
11 registrations, and address changes at the same time those changes  
12 are made to the **LAW ENFORCEMENT** database described in subsection  
13 (1). The department shall make the ~~compilation~~ **LAW ENFORCEMENT**  
14 **DATABASE** available to each department post, local law enforcement  
15 agency, and sheriff's department by the law enforcement information  
16 network. Upon request by a department post, local law enforcement  
17 agency, or sheriff's department, the department shall provide to  
18 that post, agency, or sheriff's department the information from the  
19 ~~compilation~~ **LAW ENFORCEMENT DATABASE** in printed form for the zip  
20 ~~code~~ **DESIGNATED** areas located in whole or in part within the  
21 post's, agency's, or sheriff's department's jurisdiction. The  
22 department shall provide the ability to conduct a computerized  
23 search of the ~~compilation~~ **LAW ENFORCEMENT DATABASE AND THE PUBLIC**  
24 **INTERNET WEBSITE** based upon the name and campus location of an  
25 institution of higher education. ~~described in subsection (4) (b).~~

26 (7) ~~(6)~~The department shall make the ~~compilation or~~  
27 ~~information from the compilation~~ **LAW ENFORCEMENT DATABASE** available

1 to a department post, local law enforcement agency, OR sheriff's  
2 department, ~~and the public~~ by electronic, computerized, or other  
3 similar means accessible to the post, agency, or sheriff's  
4 department. **THE DEPARTMENT SHALL MAKE THE PUBLIC INTERNET WEBSITE**  
5 **AVAILABLE TO THE PUBLIC BY ELECTRONIC, COMPUTERIZED, OR OTHER**  
6 **SIMILAR MEANS ACCESSIBLE TO THE PUBLIC.** The electronic,  
7 computerized, or other similar means shall provide for ~~both a~~  
8 search by name, ~~and by~~ **VILLAGE, CITY, TOWNSHIP, AND COUNTY**  
9 **DESIGNATION, zip code, AND GEOGRAPHICAL AREA.**

10 (8) ~~(7)~~ If a court determines that the public availability  
11 under section 10 of any information concerning individuals  
12 registered under this act, ~~including names and aliases, addresses,~~  
13 ~~physical descriptions, or dates of birth,~~ violates the constitution  
14 of the United States or this state, the department shall revise the  
15 ~~compilation~~ **PUBLIC INTERNET WEBSITE DESCRIBED** in subsection (2) so  
16 that it does not contain that information.

17 (9) **IF THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL HAS**  
18 **COMPLETED HIS OR HER REGISTRATION PERIOD, INCLUDING A REGISTRATION**  
19 **PERIOD REDUCED BY LAW UNDER THE AMENDATORY ACT THAT ADDED THIS**  
20 **SUBSECTION, OR THAT HE OR SHE OTHERWISE IS NO LONGER REQUIRED TO**  
21 **REGISTER UNDER THIS ACT, THE DEPARTMENT SHALL REMOVE THE**  
22 **INDIVIDUAL'S REGISTRATION INFORMATION FROM BOTH THE LAW ENFORCEMENT**  
23 **DATABASE AND THE PUBLIC INTERNET WEBSITE WITHIN 7 DAYS AFTER MAKING**  
24 **THAT DETERMINATION.**

25 **SEC. 8A. (1) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE**  
26 **HIS OR HER REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE**  
27 **LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S OFFICE, OR DEPARTMENT POST**

1 RESPONSIBLE FOR REGISTERING THE INDIVIDUAL OR FOR VERIFYING AND  
2 UPDATING HIS OR HER REGISTRATION INFORMATION SHALL DO ALL OF THE  
3 FOLLOWING IMMEDIATELY AFTER THE DATE THE INDIVIDUAL WAS REQUIRED TO  
4 REGISTER OR TO UPDATE HIS OR HER REGISTRATION INFORMATION:

5 (A) DETERMINE WHETHER THE INDIVIDUAL HAS ABSCONDED OR IS  
6 OTHERWISE UNLOCATABLE.

7 (B) IF THE REGISTERING AUTHORITY WAS NOTIFIED BY A  
8 REGISTRATION JURISDICTION THAT THE INDIVIDUAL WAS TO APPEAR IN  
9 ORDER TO REGISTER OR UPDATE HIS OR HER REGISTRATION INFORMATION IN  
10 THE JURISDICTION OF THE REGISTERING AUTHORITY, NOTIFY THE  
11 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT THAT THE  
12 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

13 (C) REVISE THE INFORMATION IN THE REGISTRY TO REFLECT THAT THE  
14 INDIVIDUAL HAS ABSCONDED OR IS OTHERWISE UNLOCATABLE.

15 (D) SEEK A WARRANT FOR THE INDIVIDUAL'S ARREST IF THE LEGAL  
16 REQUIREMENTS FOR OBTAINING A WARRANT ARE SATISFIED.

17 (E) ENTER THE INDIVIDUAL INTO THE NATIONAL CRIME INFORMATION  
18 CENTER WANTED PERSON FILE IF THE REQUIREMENTS FOR ENTERING  
19 INFORMATION INTO THAT FILE ARE MET.

20 (2) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE HIS OR HER  
21 REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE DEPARTMENT  
22 SHALL DO ALL OF THE FOLLOWING IMMEDIATELY AFTER BEING NOTIFIED BY  
23 THE REGISTERING AUTHORITY THAT THE INDIVIDUAL FAILED TO APPEAR AS  
24 REQUIRED:

25 (A) NOTIFY THAT OTHER REGISTRATION JURISDICTION THAT THE  
26 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

27 (B) NOTIFY THE UNITED STATES MARSHAL'S SERVICE IN THE MANNER

1 REQUIRED BY THE UNITED STATES MARSHAL'S SERVICE OF THE INDIVIDUAL'S  
2 FAILURE TO APPEAR AS REQUIRED.

3 (C) UPDATE THE NATIONAL SEX OFFENDER REGISTRY TO REFLECT THE  
4 INDIVIDUAL'S STATUS AS AN ABSCONDER OR AS UNLOCATABLE.

5 Sec. 8c. (1) An individual ~~described in subsection (15) who is~~  
6 ~~convicted before October 1, 2004 of a violation described in that~~  
7 ~~subsection~~ CLASSIFIED AS A TIER I OFFENDER WHO MEETS THE  
8 REQUIREMENTS OF SUBSECTION (13) may petition the court under ~~this~~  
9 ~~section~~ THAT SUBSECTION for an order allowing him or her to  
10 ~~register~~ DISCONTINUE REGISTRATION under this act. ~~as provided in~~  
11 ~~section 8d(1).~~

12 (2) An individual ~~described in subsection (15)(a) or (b) who~~  
13 ~~is convicted on or after October 1, 2004 of a violation described~~  
14 ~~in that subsection~~ CLASSIFIED AS A TIER III OFFENDER WHO MEETS THE  
15 REQUIREMENTS OF SUBSECTION (14) may petition the court under ~~this~~  
16 ~~section~~ THAT SUBSECTION for an order allowing him or her to  
17 ~~register~~ DISCONTINUE REGISTRATION under this act. ~~as provided in~~  
18 ~~section 8d(1).~~

19 (3) AN INDIVIDUAL CLASSIFIED AS A TIER I, TIER II, OR TIER III  
20 OFFENDER WHO MEETS THE REQUIREMENTS OF SUBSECTION (15) MAY PETITION  
21 THE COURT UNDER THAT SUBSECTION FOR AN ORDER ALLOWING HIM OR HER TO  
22 DISCONTINUE REGISTRATION UNDER THIS ACT.

23 (4) ~~(3)~~ This section is the sole means by which an individual  
24 may obtain judicial review of his or her registration requirements  
25 under this act. This subsection does not prohibit an appeal of the  
26 conviction or sentence as otherwise provided by law or court rule.

27 ~~—(4)~~ A petition filed under this section shall be filed in the



1 court in which the individual was convicted of committing the  
2 listed offense. ~~A petition filed under subsection (1) shall be~~  
3 ~~filed before October 1, 2007 or within 3 years after the individual~~  
4 ~~is discharged from the jurisdiction of the juvenile court or, if~~  
5 ~~the individual was assigned to youthful trainee status, within 3~~  
6 ~~years after he or she has successfully completed youthful trainee~~  
7 ~~status, whichever is later, and, except as otherwise provided in~~  
8 ~~this subsection, the court shall not consider a petition filed by~~  
9 ~~the individual after that date. A petition filed under subsection~~  
10 ~~(2) shall not be filed before the individual's seventeenth birthday~~  
11 ~~or after the individual's twentieth birthday. If the individual is~~  
12 ~~charged in this state or elsewhere with committing, attempting to~~  
13 ~~commit, or conspiring to commit a felony, other than the felony for~~  
14 ~~which he or she has filed the petition for registration as provided~~  
15 ~~under section 8d, or an offense that if committed by an adult would~~  
16 ~~be a felony, the court may hold the petition in abeyance until the~~  
17 ~~charges are finally disposed of. If the court holds the petition in~~  
18 ~~abeyance, the 3 year limitation periods described in this~~  
19 ~~subsection begin to run when the period of abeyance has ended.~~

20 **HOWEVER, IF THE CONVICTION OCCURRED IN ANOTHER STATE OR COUNTRY AND**  
21 **THE INDIVIDUAL IS A RESIDENT OF THIS STATE, THE INDIVIDUAL MAY FILE**  
22 **A PETITION IN THE CIRCUIT COURT IN THE COUNTY OF HIS OR HER**  
23 **RESIDENCE FOR AN ORDER ALLOWING HIM OR HER TO DISCONTINUE**  
24 **REGISTRATION UNDER THIS ACT ONLY.** A petition shall not be filed  
25 under this section if a previous petition was filed under this  
26 section and was denied by the court after a hearing. ~~As used in~~  
27 ~~this subsection, "felony" means a crime that is specifically~~

1 ~~designated to be a felony or that is punishable by imprisonment for~~  
2 ~~more than 1 year.~~

3 (5) A petition filed under this section shall be made under  
4 oath and shall contain all of the following:

5 (a) The name and address of the petitioner.

6 (b) A statement identifying the offense for which  
7 **DISCONTINUATION FROM** registration ~~as provided in section 8d~~ is  
8 being requested.

9 (c) A statement of whether the individual was previously  
10 convicted of a listed offense for which registration is required  
11 under this act.

12 ~~— (d) A statement specifically stating that the individual is~~  
13 ~~not disqualified under subsection (14) from filing a petition under~~  
14 ~~this section.~~

15 (6) An individual who knowingly makes a false statement in a  
16 petition filed under this section is guilty of perjury as  
17 proscribed under section 423 of the Michigan penal code, 1931 PA  
18 328, MCL 750.423.

19 (7) A copy of the petition shall be filed with the office of  
20 the prosecuting attorney that prosecuted the case against the  
21 individual **OR, FOR A CONVICTION THAT OCCURRED IN ANOTHER STATE OR**  
22 **COUNTRY, THE PROSECUTING ATTORNEY FOR THE COUNTY OF HIS OR HER**  
23 **RESIDENCE**, at least 30 days before a hearing is held on the  
24 petition. The prosecuting attorney may appear and participate in  
25 all proceedings regarding the petition and may seek appellate  
26 review of any decision on the petition.

27 (8) If the name of the victim of the offense is known by the

1 prosecuting attorney, the prosecuting attorney shall provide the  
2 victim with written notice that a petition has been filed and shall  
3 provide the victim with a copy of the petition. The notice shall be  
4 sent by first-class mail to the victim's last known address. The  
5 petition shall include a statement of the victim's rights under  
6 subsection ~~(11)~~ (10).

7 ~~—— (9) If an individual petitions the court under subsection (1)  
8 or (2) for an offense described in subsection (15) (a) or (b) and  
9 the individual is not on the database maintained under section 8(2)  
10 at the time the petition is filed, the court may order the  
11 department not to place the individual on that database during the  
12 period in which the court is considering whether to grant the  
13 petition as follows:~~

14 ~~—— (a) Except as provided in subdivision (b), for a period of 30  
15 days after the date the order is issued or as provided by the  
16 court, whichever occurs first.~~

17 ~~—— (b) If jurisdiction is continued by the court past the  
18 individual's seventeenth birthday, during the period in which  
19 jurisdiction is continued. The court shall notify the department of  
20 the order as required under section 8d.~~

21 (9) ~~(10)~~ If an individual properly files a petition with the  
22 court under this section, the court shall conduct a hearing on the  
23 petition as provided in this section.

24 (10) ~~(11)~~ The victim has the right to attend all proceedings  
25 under this section and to make a written or oral statement to the  
26 court before any decision regarding the petition is made. A victim  
27 shall not be required to appear at any proceeding under this

1 section against his or her will.

2 (11) ~~(12)~~—The court shall consider all of the following in  
3 determining whether to allow the individual to register **DISCONTINUE**  
4 **REGISTRATION** under this act: ~~as provided in section 8d.~~

5 (a) The individual's age and level of maturity at the time of  
6 the offense.

7 (b) The victim's age and level of maturity at the time of the  
8 offense.

9 (c) The nature of the offense.

10 (d) The severity of the offense.

11 (e) The individual's prior juvenile or criminal history.

12 (f) The individual's likelihood to commit further listed  
13 offenses.

14 (g) Any impact statement submitted by the victim under the  
15 **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL  
16 780.751 to 780.834, or under this section.

17 (h) Any other information considered relevant by the court.

18 (12) ~~(13)~~—If the court determines that the individual meets  
19 the criteria for **DISCONTINUATION FROM** registration, ~~under section~~  
20 ~~8d,~~ the court may order the individual to register under this act  
21 ~~as provided in that section~~ **HIS OR HER REGISTRATION TO BE**  
22 **DISCONTINUED.**

23 ~~—(14) The court shall not grant a petition filed under this~~  
24 ~~section if any of the following apply:~~

25 ~~—(a) The individual was previously convicted of a listed~~  
26 ~~offense for which registration is required under this act.~~

27 ~~—(b) The individual fails to carry the burden of proving by~~

1 clear and convincing evidence that he or she is not likely to  
2 commit further listed offenses.

3 ~~—— (c) The court determines that the offense involved any of the  
4 following:~~

5 ~~—— (i) A factor set forth in section 520b(1) (b) to (h) of the  
6 Michigan penal code, 1931 PA 328, MCL 750.520b.~~

7 ~~—— (ii) A factor set forth in section 520c(1) (b) to (l) of the  
8 Michigan penal code, 1931 PA 328, MCL 750.520c.~~

9 ~~—— (iii) A factor set forth in section 520d(1) (b) to (e) of the  
10 Michigan penal code, 1931 PA 328, MCL 750.520d.~~

11 ~~—— (iv) A factor set forth in section 520e(1) (b) to (f) of the  
12 Michigan penal code, 1931 PA 328, MCL 750.520e.~~

13 ~~—— (d) The individual is charged in this state or elsewhere with  
14 committing, attempting to commit, or conspiring to commit a felony,  
15 other than the felony for which he or she has filed the petition  
16 for registration as provided under section 8d, or an offense that  
17 if committed by an adult would be a felony. This subsection does  
18 not prohibit the court from holding the petition in abeyance under  
19 subsection (4). As used in this subdivision, "felony" means a crime  
20 specifically designated to be a felony or that is punishable by  
21 imprisonment for more than 1 year.~~

22 ~~—— (e) The individual was sentenced for the offense as an adult.  
23 This subdivision does not apply to an individual described in  
24 subsection (15)(c) who successfully completed his or her  
25 probationary period and was discharged from youthful trainee  
26 status.~~

27 ~~—— (15) The right to petition under this section applies to all~~

1 ~~of the following individuals:~~

2 ~~—— (a) An individual who is convicted as a juvenile under section~~  
3 ~~520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL~~  
4 ~~750.520b, 750.520c, and 750.520d, of committing, attempting to~~  
5 ~~commit, or conspiring to commit a violation solely described in~~  
6 ~~section 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal~~  
7 ~~code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, if either~~  
8 ~~of the following applies:~~

9 ~~—— (i) The individual was under 13 years of age when he or she~~  
10 ~~committed the offense and is not more than 5 years older than the~~  
11 ~~victim.~~

12 ~~—— (ii) The individual was 13 years of age or older but less than~~  
13 ~~17 years of age when he or she committed the offense and is not~~  
14 ~~more than 3 years older than the victim.~~

15 ~~—— (b) An individual who was charged under section 520b, 520c, or~~  
16 ~~520d of the Michigan penal code, 1931 PA 328, MCL 750.520b,~~  
17 ~~750.520c, and 750.520d, with committing, attempting to commit, or~~  
18 ~~conspiring to commit a violation solely described in section~~  
19 ~~520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code,~~  
20 ~~1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, and is convicted~~  
21 ~~as a juvenile of violating, attempting to violate, or conspiring to~~  
22 ~~violate section 520e or 520g of the Michigan penal code, 1931 PA~~  
23 ~~328, MCL 750.520e and 750.520g, if either of the following applies:~~

24 ~~—— (i) The individual was under 13 years of age when he or she~~  
25 ~~committed the offense and is not more than 5 years older than the~~  
26 ~~victim.~~

27 ~~—— (ii) The individual was 13 years of age or older but less than~~

1 ~~17 years of age when he or she committed the offense and is not~~  
2 ~~more than 3 years older than the victim.~~

3 ~~—— (c) An individual who has successfully completed his or her~~  
4 ~~probationary period under sections 11 to 15 of chapter II of the~~  
5 ~~code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, for~~  
6 ~~committing a listed offense, and has been discharged from youthful~~  
7 ~~trainee status.~~

8 (13) THE COURT MAY GRANT A PETITION PROPERLY FILED BY AN  
9 INDIVIDUAL UNDER SUBSECTION (1) IF ALL OF THE FOLLOWING APPLY:

10 (A) TEN OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF HIS OR  
11 HER CONVICTION FOR THE LISTED OFFENSE OR FROM HIS OR HER RELEASE  
12 FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER OCCURRED  
13 LAST.

14 (B) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY FELONY SINCE  
15 THE DATE DESCRIBED IN SUBDIVISION (A).

16 (C) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY LISTED  
17 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (A).

18 (D) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED  
19 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT  
20 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR  
21 PAROLE.

22 (E) THE PETITIONER SUCCESSFULLY COMPLETED A SEX OFFENDER  
23 TREATMENT PROGRAM CERTIFIED BY THE UNITED STATES ATTORNEY GENERAL  
24 UNDER 42 USC 16915(B)(1), OR ANOTHER APPROPRIATE SEX OFFENDER  
25 TREATMENT PROGRAM. THE COURT MAY WAIVE THE REQUIREMENTS OF THIS  
26 SUBDIVISION IF SUCCESSFULLY COMPLETING A SEX OFFENDER TREATMENT  
27 PROGRAM WAS NOT A CONDITION OF THE PETITIONER'S CONFINEMENT,

1 RELEASE, PROBATION, OR PAROLE.

2 (14) THE COURT MAY GRANT A PETITION PROPERLY FILED BY AN  
3 INDIVIDUAL UNDER SUBSECTION (2) IF ALL OF THE FOLLOWING APPLY:

4 (A) THE PETITIONER IS REQUIRED TO REGISTER BASED ON AN ORDER  
5 OF DISPOSITION ENTERED UNDER SECTION 18 OF CHAPTER XIIA OF THE  
6 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18, THAT IS OPEN TO THE  
7 GENERAL PUBLIC UNDER SECTION 28 OF CHAPTER XIIA OF THE PROBATE CODE  
8 OF 1939, 1939 PA 288, MCL 712A.28.

9 (B) TWENTY-FIVE OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF  
10 HIS OR HER ADJUDICATION FOR THE LISTED OFFENSE OR FROM HIS OR HER  
11 RELEASE FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER  
12 OCCURRED LAST.

13 (C) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY FELONY SINCE  
14 THE DATE DESCRIBED IN SUBDIVISION (B).

15 (D) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY LISTED  
16 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (B).

17 (E) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED  
18 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT  
19 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR  
20 PAROLE.

21 (F) THE COURT DETERMINES THAT THE PETITIONER SUCCESSFULLY  
22 COMPLETED A SEX OFFENDER TREATMENT PROGRAM CERTIFIED BY THE UNITED  
23 STATES ATTORNEY GENERAL UNDER 42 USC 16915(B)(1), OR ANOTHER  
24 APPROPRIATE SEX OFFENDER TREATMENT PROGRAM. THE COURT MAY WAIVE THE  
25 REQUIREMENTS OF THIS SUBDIVISION IF SUCCESSFULLY COMPLETING A SEX  
26 OFFENDER TREATMENT PROGRAM WAS NOT A CONDITION OF THE PETITIONER'S  
27 CONFINEMENT, RELEASE, PROBATION, OR PAROLE.



1           (15) THE COURT MAY GRANT A PETITION PROPERLY FILED BY AN  
2 INDIVIDUAL UNDER SUBSECTION (3) IF ANY OF THE FOLLOWING APPLY:

3           (A) ALL OF THE FOLLOWING:

4           (i) THE COURT DETERMINES THAT THE CONVICTION FOR THE LISTED  
5 OFFENSE WAS THE RESULT OF A CONSENSUAL SEXUAL ACT BETWEEN THE  
6 PETITIONER AND THE VICTIM.

7           (ii) THE VICTIM WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 16  
8 YEARS OF AGE AT THE TIME OF THE OFFENSE.

9           (iii) THE PETITIONER IS NOT MORE THAN 4 YEARS OLDER THAN THE  
10 VICTIM.

11          (B) BOTH OF THE FOLLOWING:

12          (i) THE PETITIONER WAS ADJUDICATED AS A JUVENILE.

13          (ii) THE PETITIONER WAS LESS THAN 14 YEARS OF AGE AT THE TIME  
14 OF THE OFFENSE.

15          (C) ALL OF THE FOLLOWING:

16          (i) THE INDIVIDUAL WAS CONVICTED OF A VIOLATION OF SECTION 158,  
17 338, 338A, 338B, OR 520C(1) (i) OF THE MICHIGAN PENAL CODE, 1931 PA  
18 328, MCL 750.158, 750.338, 750.338A, 750.338B, AND 750.520C.

19          (ii) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE  
20 VIOLATION.

21          (iii) THE VICTIM WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 16  
22 YEARS OF AGE AT THE TIME OF THE VIOLATION.

23          (iv) THE INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE  
24 VICTIM.

25          (D) ALL OF THE FOLLOWING:

26          (i) THE INDIVIDUAL WAS CONVICTED OF A VIOLATION DESCRIBED IN  
27 SUBDIVISION (C) (i) .

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1           (ii) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE  
2 VIOLATION.

3           (iii) THE VICTIM WAS 16 OR 17 YEARS OF AGE AT THE TIME OF THE  
4 VIOLATION.

5           (iv) THE VICTIM WAS NOT UNDER THE CUSTODIAL AUTHORITY OF THE  
6 INDIVIDUAL AT THE TIME OF THE VIOLATION.

<<(16) THE COURT SHALL NOT GRANT A PETITION FILED UNDER  
SUBSECTION (15) (A), (B), (C), OR (D) IF THE COURT DETERMINES THAT THE  
INDIVIDUAL IS A CONTINUING THREAT TO THE PUBLIC. IN MAKING THE  
DETERMINATION, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING FACTORS AND  
PLACE ITS FINDINGS ON THE RECORD:

(A) THE INDIVIDUAL'S AGE AND LEVEL OF MATURITY AT THE TIME OF  
THE OFFENSE.

(B) THE VICTIM'S AGE AND LEVEL OF MATURITY AT THE TIME OF THE  
OFFENSE.

(C) THE NATURE OF THE OFFENSE.

(D) THE SEVERITY OF THE OFFENSE.

(E) THE INDIVIDUAL'S PRIOR JUVENILE OR CRIMINAL HISTORY.

(F) THE INDIVIDUAL'S LIKELIHOOD TO COMMIT FURTHER LISTED  
OFFENSES.

(G) ANY IMPACT STATEMENT SUBMITTED BY THE VICTIM UNDER THE  
WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL  
780.751 TO 780.834, OR UNDER THIS SECTION.

(H) ANY OTHER INFORMATION CONSIDERED RELEVANT BY THE COURT.

7           (I)>> THE INDIVIDUAL WAS REGISTERED UNDER THIS ACT BEFORE JULY  
8 1, 2011 FOR AN OFFENSE THAT REQUIRED REGISTRATION BUT FOR WHICH  
9 REGISTRATION IS NOT REQUIRED ON OR AFTER JULY 1, 2011.

10           Sec. 8d. ~~(1) An individual who petitions the court under~~  
11 ~~section 8c to register as provided in this section shall register~~  
12 ~~under this act as follows:~~

13           ~~(a) For a violation described in section 8c(15) (a) or (b), the~~  
14 ~~individual shall register under this act until the petition is~~  
15 ~~granted but is not subject to the requirements of section 8(2).~~

16           ~~(b) For a violation described in section 8c(15) (c) and for~~  
17 ~~which the petition is granted, the individual shall register under~~  
18 ~~this act for a period of 10 years after the date he or she~~  
19 ~~initially registered or, if the individual was in a state~~  
20 ~~correctional facility, for 10 years after he or she is released~~  
21 ~~from that facility, whichever is greater, and is subject to the~~  
22 ~~requirements of section 8(2) during that registration period.~~

23           ~~(2) If the court under section 8c orders an individual to~~  
24 ~~register under this section pending the court's determination of~~  
25 ~~the petition, the court shall promptly provide a copy of that order~~  
26 ~~to the department and to the individual. If the department is~~  
27 ~~provided with an order under this subsection for an individual~~

1 ~~described in section 8c(15)(a) or (b), the department shall not~~  
2 ~~enter the individual's registration into the database maintained~~  
3 ~~under section 8(2) until ordered by the court to do so or until~~  
4 ~~expiration of the order, whichever occurs first.~~

5 ~~——(3) If the court grants a petition filed under section 8c, the~~  
6 ~~court shall promptly provide a copy of that order to the department~~  
7 ~~and to the individual. If the department is provided with an order~~  
8 ~~under this subsection for a violation described in section~~  
9 ~~8c(15)(a) or (b), the department shall not enter the individual's~~  
10 ~~registration into the database maintained under section 8(2) or, if~~  
11 ~~the person is already registered, shall promptly remove that~~  
12 ~~registration from the database maintained under section 8(2). The~~  
13 ~~department shall promptly remove an individual's registration from~~  
14 ~~the database maintained under section 8(1). upon expiration of the~~  
15 ~~applicable registration period described in subsection (1) or (2)~~  
16 ~~as provided in those subsections.~~

17       Sec. 9. (1) Except as provided in subsections (2), (3), and  
18 (4), an individual required to be registered under this act who  
19 willfully violates this act is guilty of a felony punishable as  
20 follows:

21       (a) If the individual has no prior convictions for a violation  
22 of this act, ~~other than a failure to comply with section 5a, by~~  
23 imprisonment for not more than 4 years or a fine of not more than  
24 \$2,000.00, or both.

25       (b) If the individual has 1 prior conviction for a violation  
26 of this act, ~~other than a failure to comply with section 5a, by~~  
27 imprisonment for not more than 7 years or a fine of not more than

1 \$5,000.00, or both.

2 (c) If the individual has 2 or more prior convictions for  
3 violations of this act, ~~other than a failure to comply with section~~  
4 ~~5a,~~ by imprisonment for not more than 10 years or a fine of not  
5 more than \$10,000.00, or both.

6 (2) An individual who fails to comply with section 5a, other  
7 than payment of the fee required under section ~~5a(7)~~ **5A(6)**, is  
8 guilty of a ~~crime punishable as follows:~~ **MISDEMEANOR PUNISHABLE BY**  
9 **IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN**  
10 **\$2,000.00, OR BOTH.**

11 ~~—— (a) If the individual has no prior convictions for a violation~~  
12 ~~of this act, the individual is guilty of a misdemeanor punishable~~  
13 ~~by imprisonment for not more than 93 days or a fine of not more~~  
14 ~~than \$1,000.00, or both.~~

15 ~~—— (b) If the individual has 1 prior conviction for a violation~~  
16 ~~of this act, the individual is guilty of a misdemeanor punishable~~  
17 ~~by imprisonment for not more than 1 year or a fine of not more than~~  
18 ~~\$2,000.00, or both.~~

19 ~~—— (c) If the individual has 2 or more prior convictions for a~~  
20 ~~violation of this act, the individual is guilty of a felony~~  
21 ~~punishable by imprisonment for not more than 4 years or a fine of~~  
22 ~~not more than \$2,500.00, or both.~~

23 (3) An individual who willfully fails to sign a registration ~~7~~  
24 **AND** notice ~~, or verification~~ as provided in section 7(4) is guilty  
25 of a misdemeanor punishable by imprisonment for not more than 93  
26 days or a fine of not more than \$1,000.00, or both.

27 (4) An individual who willfully refuses or fails to pay the

1 registration fee prescribed in section ~~5a(7)~~ **5A(5)** or section 7(1)  
2 within 90 days of the date the individual reports under section 4a  
3 or 5a is guilty of a misdemeanor punishable by imprisonment for not  
4 more than 90 days.

5 (5) The court shall revoke the probation of an individual  
6 placed on probation who willfully violates this act.

7 (6) The court shall revoke the youthful trainee status of an  
8 individual assigned to youthful trainee status who willfully  
9 violates this act.

10 (7) The parole board shall rescind the parole of an individual  
11 released on parole who willfully violates this act.

12 (8) An individual's failure to register as required by this  
13 act or a violation of section ~~5(1), (3), or (4)~~ **5** may be prosecuted  
14 in the judicial district of any of the following:

15 (a) The individual's last registered address or residence.

16 (b) The individual's actual address or residence.

17 (c) Where the individual was arrested for the violation.

18 Sec. 10. (1) Except as provided in this act, a registration or  
19 report is confidential and information from that registration or  
20 report shall not be open to inspection except for law enforcement  
21 purposes. The registration or report and all included materials and  
22 information are exempt from disclosure under section 13 of the  
23 freedom of information act, 1976 PA 442, MCL 15.243.

24 (2) A department post, local law enforcement agency, or  
25 sheriff's department shall make information from the ~~compilation~~  
26 **PUBLIC INTERNET WEBSITE** described in section 8(2) for the ~~zip code~~  
27 **DESIGNATED** areas located in whole or in part within the post's,

1 agency's, or sheriff's department's jurisdiction available for  
2 public inspection during regular business hours. A department post,  
3 local law enforcement agency, or sheriff's department is not  
4 required to make a copy of the information for a member of the  
5 public.

6 (3) The department may make information from the ~~compilation~~  
7 **PUBLIC INTERNET WEBSITE** described in section 8(2) available to the  
8 public through electronic, computerized, or other accessible means.  
9 The department shall provide for notification by electronic or  
10 computerized means to any member of the public who has subscribed  
11 in a manner required by the department when an individual who is  
12 the subject of the ~~compilation~~**PUBLIC INTERNET WEBSITE** described in  
13 section 8(2) initially registers under this act, or changes his or  
14 her registration under this act, to a location that is in a ~~zip~~  
15 ~~code~~**DESIGNATED** area **OR GEOGRAPHIC RADIUS** designated by the  
16 subscribing member of the public.

17 (4) Except as provided in this act, an individual other than  
18 the registrant who knows of a registration or report under this act  
19 and who divulges, uses, or publishes nonpublic information  
20 concerning the registration or report in violation of this act is  
21 guilty of a misdemeanor punishable by imprisonment for not more  
22 than 93 days or a fine of not more than \$1,000.00, or both.

23 (5) An individual whose registration or report is revealed in  
24 violation of this act has a civil cause of action against the  
25 responsible party for treble damages.

26 (6) Subsections (4) and (5) do not apply to the ~~compilation~~  
27 **PUBLIC INTERNET WEBSITE** described in section 8(2) or information

1 from that ~~compilation~~**PUBLIC INTERNET WEBSITE** that is provided or  
2 made available under section 8(2) or under subsection (2) or (3).

3 Enacting section 1. Sections 11 and 12 of the sex offenders  
4 registration act, 1994 PA 295, MCL 28.731 and 28.732, are repealed.

5 Enacting section 2. This amendatory act takes effect July 1,  
6 2011.

7 Enacting section 3. This amendatory act does not take effect  
8 unless Senate Bill No. 188 of the 96th Legislature is enacted into  
9 law.