

SENATE BILL No. 189

February 22, 2011, Introduced by Senators PAVLOV, JONES, PAPPAGEORGE, NOFS and PROOS and referred to the Committee on Judiciary.

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
4 with a copy of the registration or notification at the time of
5 registration or notice.

6 (2) The officer, court, or agency registering an individual or

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

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

16 (a) The individual's **LEGAL** name ~~, social security number, date~~
17 ~~of birth, and address or expected address.~~ **AND ANY ALIASES,**
18 **NICKNAMES, ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE**
19 **INDIVIDUAL IS OR HAS BEEN KNOWN.** An individual who is in a witness
20 protection and relocation program is only required to use the name
21 and identifying information reflecting his or her new identity in a
22 registration under this act. The registration and compilation
23 databases shall not contain any information identifying the
24 individual's prior identity or locale. ~~The department shall request~~
25 ~~each individual to provide his or her date of birth if it is not~~
26 ~~included in the registration, and that individual shall comply with~~
27 ~~the request within 10 days.~~

1 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL
2 SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED
3 BY THE INDIVIDUAL.

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

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

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

17 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S
18 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A
19 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT
20 WITH THE 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. IF THE INDIVIDUAL LACKS
23 A FIXED EMPLOYMENT LOCATION, THE INFORMATION OBTAINED UNDER THIS
24 SUBDIVISION SHALL INCLUDE THE GENERAL AREAS WHERE THE INDIVIDUAL
25 WORKS AND THE NORMAL TRAVEL ROUTES TAKEN BY THE INDIVIDUAL IN THE
26 COURSE OF HIS OR HER EMPLOYMENT.

27 (G) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE

1 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
2 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
3 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE SECONDARY SCHOOL OR
4 SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

5 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR
6 ROUTINELY USED BY THE INDIVIDUAL.

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

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

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

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

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

23 (N) ~~(b)~~—A brief summary of the individual's convictions for
24 listed offenses regardless of when the conviction occurred,
25 including where the offense occurred and the original charge if the
26 conviction was for a lesser offense.

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

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

2 (Q) ~~(e)~~—The individual's fingerprints if not already on file
3 with the department **AND THE INDIVIDUAL'S PALM PRINTS**. An individual
4 required to be registered ~~on September 1, 1999~~ **UNDER THIS ACT** shall
5 have his or her fingerprints **OR PALM PRINTS OR BOTH** taken not later
6 than September 12, ~~1999~~ **2010** if **HIS OR HER FINGERPRINTS OR PALM**
7 **PRINTS ARE** not already on file with the department. The department
8 shall forward a copy of the individual's fingerprints **AND PALM**
9 **PRINTS** to the federal bureau of investigation if not already on
10 file with that bureau.

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

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

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

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

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

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

23 (E) **AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN**
24 **COLLECTED AND ANY RESULTING DNA PROFILE HAS BEEN ENTERED INTO THE**
25 **FEDERAL COMBINED DNA INDEX SYSTEM (CODIS).**

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

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

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

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

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

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

19 (6) An individual shall not knowingly provide false or
20 misleading information concerning a registration, notice, or
21 verification.

22 (7) The department shall prescribe the form for a notification
23 required under section 5 and the format for forwarding the
24 notification to the department.

25 (8) The department shall promptly provide registration,
26 notice, and verification information to the federal bureau of
27 investigation and to local law enforcement agencies, sheriff's

1 departments, department posts, and ~~agencies of other states~~
2 ~~requiring the information,~~ OTHER REGISTERING JURISDICTIONS, as
3 provided by law.

4 Sec. 8. (1) The department shall maintain a computerized **LAW**
5 **ENFORCEMENT** database of registrations and notices required under
6 this act. **THE LAW ENFORCEMENT DATABASE SHALL CONTAIN ALL OF THE**
7 **FOLLOWING INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS**
8 **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 SOCIAL SECURITY NUMBER AND ANY SOCIAL
13 SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED
14 BY THE INDIVIDUAL.

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

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

23 (E) THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING
24 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE
25 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER
26 RESIDENCE. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE THE
27 DATES THE LODGING IS USED OR TO BE USED.

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

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

13 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR
14 ROUTINELY USED BY THE INDIVIDUAL.

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

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

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

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

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

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

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

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

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

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

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

16 (T) ANY OUTSTANDING ARREST WARRANT INFORMATION.

17 (U) THE INDIVIDUAL'S TIER CLASSIFICATION AND REGISTRATION
18 STATUS.

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

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

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

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

27 (2) The department shall maintain a ~~computerized database~~

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

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

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

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

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

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

26 (F) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND
27 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR

1 REGULARLY OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE
2 MOTOR VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

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

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

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

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

12 (K) THE INDIVIDUAL'S REGISTRATION STATUS.

13 (L) THE INDIVIDUAL'S TIER CLASSIFICATION.

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

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

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

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

19 (D) ANY TRAVEL OR IMMIGRATION DOCUMENT NUMBERS.

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

25 (4) ~~(3)~~—The database described in subsection (2) shall not
26 include the following individuals:

27 (a) An individual registered solely because he or she had 1 or

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

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

15 (5) ~~(4)~~ ~~The compilation of individuals shall be indexed~~
16 **ALPHABETICALLY BY VILLAGE, CITY, TOWNSHIP, AND COUNTY,** numerically
17 by zip code area, **AND GEOGRAPHICALLY AS DETERMINED APPROPRIATE BY**
18 **THE DEPARTMENT.** ~~Within each zip code area, the compilation shall~~
19 ~~contain all of the following information:~~

20 ~~— (a) The name and aliases, address, physical description, and~~
21 ~~birth date of each individual registered under this act who is~~
22 ~~included in the compilation and who resides in that zip code area~~
23 ~~and any listed offense of which the individual has been convicted.~~

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

27 ~~— (c) Beginning May 1, 2005, the photograph of each individual~~

1 ~~registered under this act. The department shall obtain the~~
2 ~~photographs submitted under section 5a from the secretary of state~~
3 ~~for purposes of implementing this subdivision.~~

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

21 (7) ~~(6)~~ The department shall make the ~~compilation or~~
22 ~~information from the compilation~~ **LAW ENFORCEMENT DATABASE** available
23 to a department post, local law enforcement agency, **OR** sheriff's
24 department, ~~and the public~~ by electronic, computerized, or other
25 similar means accessible to the post, agency, or sheriff's
26 department. **THE DEPARTMENT SHALL MAKE THE PUBLIC INTERNET WEBSITE**
27 **AVAILABLE TO THE PUBLIC BY ELECTRONIC, COMPUTERIZED, OR OTHER**

1 **SIMILAR MEANS ACCESSIBLE TO THE PUBLIC.** The electronic,
2 computerized, or other similar means shall provide for ~~both a~~
3 search by name, ~~and by~~ **VILLAGE, CITY, TOWNSHIP, AND COUNTY**
4 **DESIGNATION, zip code, AND GEOGRAPHICAL AREA.**

5 (8) ~~(7)~~—If a court determines that the public availability
6 under section 10 of any information concerning individuals
7 registered under this act ~~, including names and aliases, addresses,~~
8 ~~physical descriptions, or dates of birth,~~ violates the constitution
9 of the United States or this state, the department shall revise the
10 ~~compilation~~ **PUBLIC INTERNET WEBSITE DESCRIBED** in subsection (2) so
11 that it does not contain that information.

12 **SEC. 8A. (1) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE**
13 **HIS OR HER REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE**
14 **LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S OFFICE, OR DEPARTMENT POST**
15 **RESPONSIBLE FOR REGISTERING THE INDIVIDUAL OR FOR VERIFYING AND**
16 **UPDATING HIS OR HER REGISTRATION INFORMATION SHALL DO ALL OF THE**
17 **FOLLOWING IMMEDIATELY AFTER THE DATE THE INDIVIDUAL WAS REQUIRED TO**
18 **REGISTER OR TO UPDATE HIS OR HER REGISTRATION INFORMATION:**

19 (A) DETERMINE WHETHER THE INDIVIDUAL HAS ABSCONDED OR IS
20 OTHERWISE UNLOCATABLE.

21 (B) IF THE REGISTERING AUTHORITY WAS NOTIFIED BY A
22 REGISTRATION JURISDICTION THAT THE INDIVIDUAL WAS TO APPEAR IN
23 ORDER TO REGISTER OR UPDATE HIS OR HER REGISTRATION INFORMATION IN
24 THE JURISDICTION OF THE REGISTERING AUTHORITY, NOTIFY THE
25 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT THAT THE
26 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

27 (C) REVISE THE INFORMATION IN THE REGISTRY TO REFLECT THAT THE

1 INDIVIDUAL HAS ABSCONDED OR IS OTHERWISE UNLOCATABLE.

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

4 (E) ENTER THE INDIVIDUAL INTO THE NATIONAL CRIME INFORMATION
5 CENTER WANTED PERSON FILE IF THE REQUIREMENTS FOR ENTERING
6 INFORMATION INTO THAT FILE ARE MET.

7 (2) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE HIS OR HER
8 REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE DEPARTMENT
9 SHALL DO ALL OF THE FOLLOWING IMMEDIATELY AFTER BEING NOTIFIED BY
10 THE REGISTERING AUTHORITY THAT THE INDIVIDUAL FAILED TO APPEAR AS
11 REQUIRED:

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

14 (B) NOTIFY THE UNITED STATES MARSHAL'S SERVICE IN THE MANNER
15 REQUIRED BY THE UNITED STATES MARSHAL'S SERVICE OF THE INDIVIDUAL'S
16 FAILURE TO APPEAR AS REQUIRED.

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

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

26 (2) An individual ~~described in subsection (15) (a) or (b) who~~
27 ~~is convicted on or after October 1, 2004 of a violation described~~

1 ~~in that subsection~~ **CLASSIFIED AS A TIER III OFFENDER WHO MEETS THE**
2 **REQUIREMENTS OF SUBSECTION (14)** may petition the court under ~~this~~
3 ~~section~~ **THAT SUBSECTION** for an order allowing him or her to
4 ~~register~~ **DISCONTINUE REGISTRATION** under this act. ~~as provided in~~
5 ~~section 8d(1).~~

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

10 (4) ~~(3)~~ This section is the sole means by which an individual
11 may obtain judicial review of his or her registration requirements
12 under this act. This subsection does not prohibit an appeal of the
13 conviction or sentence as otherwise provided by law or court rule.
14 ~~——(4)~~ A petition filed under this section shall be filed in the
15 court in which the individual was convicted of committing the
16 listed offense. ~~A petition filed under subsection (1) shall be~~
17 ~~filed before October 1, 2007 or within 3 years after the individual~~
18 ~~is discharged from the jurisdiction of the juvenile court or, if~~
19 ~~the individual was assigned to youthful trainee status, within 3~~
20 ~~years after he or she has successfully completed youthful trainee~~
21 ~~status, whichever is later, and, except as otherwise provided in~~
22 ~~this subsection, the court shall not consider a petition filed by~~
23 ~~the individual after that date. A petition filed under subsection~~
24 ~~(2) shall not be filed before the individual's seventeenth birthday~~
25 ~~or after the individual's twentieth birthday. If the individual is~~
26 ~~charged in this state or elsewhere with committing, attempting to~~
27 ~~commit, or conspiring to commit a felony, other than the felony for~~

1 ~~which he or she has filed the petition for registration as provided~~
2 ~~under section 8d, or an offense that if committed by an adult would~~
3 ~~be a felony, the court may hold the petition in abeyance until the~~
4 ~~charges are finally disposed of. If the court holds the petition in~~
5 ~~abeyance, the 3 year limitation periods described in this~~
6 ~~subsection begin to run when the period of abeyance has ended.~~

7 **HOWEVER, IF THE CONVICTION OCCURRED IN ANOTHER STATE OR COUNTRY AND**
8 **THE INDIVIDUAL IS A RESIDENT OF THIS STATE, THE INDIVIDUAL MAY FILE**
9 **A PETITION IN THE CIRCUIT COURT IN THE COUNTY OF HIS OR HER**
10 **RESIDENCE FOR AN ORDER ALLOWING HIM OR HER TO DISCONTINUE**
11 **REGISTRATION UNDER THIS ACT ONLY.** A petition shall not be filed
12 under this section if a previous petition was filed under this
13 section and was denied by the court after a hearing. ~~As used in~~
14 ~~this subsection, "felony" means a crime that is specifically~~
15 ~~designated to be a felony or that is punishable by imprisonment for~~
16 ~~more than 1 year.~~

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

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

20 (b) A statement identifying the offense for which

21 **DISCONTINUATION FROM** registration ~~as provided in section 8d~~ is
22 being requested.

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

26 ~~—— (d) A statement specifically stating that the individual is~~
27 ~~not disqualified under subsection (14) from filing a petition under~~

1 ~~this section.~~

2 (6) An individual who knowingly makes a false statement in a
3 petition filed under this section is guilty of perjury as
4 proscribed under section 423 of the Michigan penal code, 1931 PA
5 328, MCL 750.423.

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

14 (8) If the name of the victim of the offense is known by the
15 prosecuting attorney, the prosecuting attorney shall provide the
16 victim with written notice that a petition has been filed and shall
17 provide the victim with a copy of the petition. The notice shall be
18 sent by first-class mail to the victim's last known address. The
19 petition shall include a statement of the victim's rights under
20 subsection ~~(11)~~ **(10)**.

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

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

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

8 (9) ~~(10)~~—If an individual properly files a petition with the
9 court under this section, the court shall conduct a hearing on the
10 petition as provided in this section.

11 (10) ~~(11)~~—The victim has the right to attend all proceedings
12 under this section and to make a written or oral statement to the
13 court before any decision regarding the petition is made. A victim
14 shall not be required to appear at any proceeding under this
15 section against his or her will.

16 (11) ~~(12)~~—The court shall consider all of the following in
17 determining whether to allow the individual to register ~~DISCONTINUE~~
18 **REGISTRATION** under this act: ~~as provided in section 8d.~~

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

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

23 (c) The nature of the offense.

24 (d) The severity of the offense.

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

26 (f) The individual's likelihood to commit further listed
27 offenses.

1 (g) Any impact statement submitted by the victim under the
2 **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL
3 780.751 to 780.834, or under this section.

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

5 **(12)** ~~(13)~~—If the court determines that the individual meets
6 the criteria for **DISCONTINUATION FROM** registration, ~~under section~~
7 ~~8d,~~ the court may order the individual to register under this act
8 as provided in that section **HIS OR HER REGISTRATION TO BE**
9 **DISCONTINUED.**

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

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

14 ~~—— (b) The individual fails to carry the burden of proving by~~
15 ~~clear and convincing evidence that he or she is not likely to~~
16 ~~commit further listed offenses.~~

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

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

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

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

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

27 ~~—— (d) The individual is charged in this state or elsewhere with~~

1 ~~committing, attempting to commit, or conspiring to commit a felony,~~
2 ~~other than the felony for which he or she has filed the petition~~
3 ~~for registration as provided under section 8d, or an offense that~~
4 ~~if committed by an adult would be a felony. This subsection does~~
5 ~~not prohibit the court from holding the petition in abeyance under~~
6 ~~subsection (4). As used in this subdivision, "felony" means a crime~~
7 ~~specifically designated to be a felony or that is punishable by~~
8 ~~imprisonment for more than 1 year.~~

9 ~~—— (c) The individual was sentenced for the offense as an adult.~~
10 ~~This subdivision does not apply to an individual described in~~
11 ~~subsection (15)(c) who successfully completed his or her~~
12 ~~probationary period and was discharged from youthful trainee~~
13 ~~status.~~

14 ~~—— (15) The right to petition under this section applies to all~~
15 ~~of the following individuals:~~

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

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

26 ~~—— (ii) The individual was 13 years of age or older but less than~~
27 ~~17 years of age when he or she committed the offense and is not~~

1 ~~more than 3 years older than the victim.~~

2 ~~—— (b) An individual who was charged under section 520b, 520c, or~~
 3 ~~520d of the Michigan penal code, 1931 PA 328, MCL 750.520b,~~
 4 ~~750.520c, and 750.520d, with committing, attempting to commit, or~~
 5 ~~conspiring to commit a violation solely described in section~~
 6 ~~520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code,~~
 7 ~~1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, and is convicted~~
 8 ~~as a juvenile of violating, attempting to violate, or conspiring to~~
 9 ~~violate section 520e or 520g of the Michigan penal code, 1931 PA~~
 10 ~~328, MCL 750.520e and 750.520g, if either of the following applies:~~

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

14 ~~—— (ii) The individual was 13 years of age or older but less than~~
 15 ~~17 years of age when he or she committed the offense and is not~~
 16 ~~more than 3 years older than the victim.~~

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

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

24 **(A) TEN OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF HIS OR**
 25 **HER CONVICTION FOR THE LISTED OFFENSE OR FROM HIS OR HER RELEASE**
 26 **FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER OCCURRED**
 27 **LAST.**

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

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

5 (D) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
6 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT
7 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR
8 PAROLE.

9 (E) THE PETITIONER SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
10 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE DEPARTMENT OF
11 CORRECTIONS OR BY THE UNITED STATES ATTORNEY GENERAL AS SPECIFIED
12 IN 42 USC 16915(B)(1).

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

15 (A) THE PETITIONER IS REQUIRED TO REGISTER BASED ON AN ORDER
16 OF DISPOSITION ENTERED UNDER SECTION 18 OF CHAPTER XIIIA OF THE
17 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18, THAT IS OPEN TO THE
18 GENERAL PUBLIC UNDER SECTION 28 OF CHAPTER XIIIA OF THE PROBATE CODE
19 OF 1939, 1939 PA 288, MCL 712A.28.

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

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

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

1 (E) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
2 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT
3 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR
4 PAROLE.

5 (F) THE PETITIONER SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
6 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE DEPARTMENT OF
7 CORRECTIONS, BY THE DEPARTMENT OF HUMAN SERVICES, OR BY THE UNITED
8 STATES ATTORNEY GENERAL AS SPECIFIED IN 42 USC 16915(B)(1).

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

11 (A) ALL OF THE FOLLOWING:

12 (i) THE COURT DETERMINES THAT THE CONVICTION FOR THE LISTED
13 OFFENSE WAS THE RESULT OF A CONSENSUAL SEXUAL ACT BETWEEN THE
14 PETITIONER AND THE VICTIM.

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

17 (iii) THE PETITIONER IS NOT MORE THAN 4 YEARS OLDER THAN THE
18 VICTIM.

19 (B) BOTH OF THE FOLLOWING:

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

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

23 (C) ALL OF THE FOLLOWING:

24 (i) THE INDIVIDUAL WAS CONVICTED OF A VIOLATION OF SECTION 158,
25 338, 338A, 338B, OR 520C(1) (i) OF THE MICHIGAN PENAL CODE, 1931 PA
26 328, MCL 750.158, 750.338, 750.338A, 750.338B, AND 750.520C.

27 (ii) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE

1 VIOLATION.

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

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

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

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

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

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

18 (C) THE NATURE OF THE OFFENSE.

19 (D) THE SEVERITY OF THE OFFENSE.

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

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

23 (G) ANY IMPACT STATEMENT SUBMITTED BY THE VICTIM UNDER THE
24 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL
25 780.751 TO 780.834, OR UNDER THIS SECTION.

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

27 Sec. 8d. ~~(1) An individual who petitions the court under~~

1 ~~section 8c to register as provided in this section shall register~~
2 ~~under this act as follows:~~

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

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

13 ~~—— (2) If the court under section 8c orders an individual to~~
14 ~~register under this section pending the court's determination of~~
15 ~~the petition, the court shall promptly provide a copy of that order~~
16 ~~to the department and to the individual. If the department is~~
17 ~~provided with an order under this subsection for an individual~~
18 ~~described in section 8c(15) (a) or (b), the department shall not~~
19 ~~enter the individual's registration into the database maintained~~
20 ~~under section 8(2) until ordered by the court to do so or until~~
21 ~~expiration of the order, whichever occurs first.~~

22 ~~—— (3) If the court grants a petition filed under section 8c, the~~
23 ~~court shall promptly provide a copy of that order to the department~~
24 ~~and to the individual. If the department is provided with an order~~
25 ~~under this subsection for a violation described in section~~
26 ~~8c(15) (a) or (b), the department shall not enter the individual's~~
27 ~~registration into the database maintained under section 8(2) or, if~~

1 ~~the person is already registered, shall promptly remove that~~
2 ~~registration from the database maintained under section 8(2).~~ The
3 department shall promptly remove an individual's registration from
4 the database maintained under section 8(1). ~~upon expiration of the~~
5 ~~applicable registration period described in subsection (1) or (2)~~
6 ~~as provided in those subsections.~~

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

11 (a) If the individual has no prior convictions for a violation
12 of this act, ~~other than a failure to comply with section 5a,~~ by
13 imprisonment for not more than 4 years or a fine of not more than
14 \$2,000.00, or both.

15 (b) If the individual has 1 prior conviction for a violation
16 of this act, ~~other than a failure to comply with section 5a,~~ by
17 imprisonment for not more than 7 years or a fine of not more than
18 \$5,000.00, or both.

19 (c) If the individual has 2 or more prior convictions for
20 violations of this act, ~~other than a failure to comply with section~~
21 ~~5a,~~ by imprisonment for not more than 10 years or a fine of not
22 more than \$10,000.00, or both.

23 (2) An individual who fails to comply with section 5a, other
24 than payment of the fee required under section ~~5a(7)~~ **5A(6)**, is
25 guilty of a ~~crime punishable as follows:~~ **MISDEMEANOR PUNISHABLE BY**
26 **IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN**
27 **\$2,000.00, OR BOTH.**

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

5 ~~—— (b) If the individual has 1 prior conviction for a violation~~
6 ~~of this act, the individual is guilty of a misdemeanor punishable~~
7 ~~by imprisonment for not more than 1 year or a fine of not more than~~
8 ~~\$2,000.00, or both.~~

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

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

17 (4) An individual who willfully refuses or fails to pay the
18 registration fee prescribed in section ~~5a(7)~~ **5A(5)** or section 7(1)
19 within 90 days of the date the individual reports under section 4a
20 or 5a is guilty of a misdemeanor punishable by imprisonment for not
21 more than 90 days.

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

24 (6) The court shall revoke the youthful trainee status of an
25 individual assigned to youthful trainee status who willfully
26 violates this act.

27 (7) The parole board shall rescind the parole of an individual

1 released on parole who willfully violates this act.

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

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

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

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

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

14 (2) A department post, local law enforcement agency, or
15 sheriff's department shall make information from the ~~compilation~~
16 **PUBLIC INTERNET WEBSITE** described in section 8(2) for the ~~zip code~~
17 **DESIGNATED** areas located in whole or in part within the post's,
18 agency's, or sheriff's department's jurisdiction available for
19 public inspection during regular business hours. A department post,
20 local law enforcement agency, or sheriff's department is not
21 required to make a copy of the information for a member of the
22 public.

23 (3) The department may make information from the ~~compilation~~
24 **PUBLIC INTERNET WEBSITE** described in section 8(2) available to the
25 public through electronic, computerized, or other accessible means.
26 The department shall provide for notification by electronic or
27 computerized means to any member of the public who has subscribed

1 in a manner required by the department when an individual who is
2 the subject of the ~~compilation~~ **PUBLIC INTERNET WEBSITE** described in
3 section 8(2) initially registers under this act, or changes his or
4 her registration under this act, to a location that is in a ~~zip~~
5 ~~code~~ **DESIGNATED** area **OR GEOGRAPHIC RADIUS** designated by the
6 subscribing member of the public.

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

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

16 (6) Subsections (4) and (5) do not apply to the ~~compilation~~
17 **PUBLIC INTERNET WEBSITE** described in section 8(2) or information
18 from that ~~compilation~~ **PUBLIC INTERNET WEBSITE** that is provided or
19 made available under section 8(2) or under subsection (2) or (3).

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

22 Enacting section 2. This amendatory act takes effect July 1,
23 2011.

24 Enacting section 3. This amendatory act does not take effect
25 unless Senate Bill No. 188

26 of the 96th Legislature is enacted into law.