

Legislative Analysis



PUBLIC SEX OFFENDER REGISTRY: REMOVE EXCEPTIONS

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Senate Bill 44

Sponsor: Sen. Rick Jones

House Committee: Criminal Justice

Senate Committee: Judiciary

Complete to 2-5-13

A SUMMARY OF SENATE BILL 44 AS PASSED BY THE SENATE 1-29-13

The bill would require offenders with a single Tier I conviction for certain crimes committed against a minor to be included in the Public Sex Offender Registry.

The Sex Offenders Registration Act (SORA) requires the Department of State Police (MSP) to maintain a computerized law enforcement database of registrations and notices that is for law enforcement purposes only. The act also requires MSP to maintain a public Internet website. The public registry contains most, but not all, of the listed offenders and information contained in the law enforcement registry.

Currently, an individual registered solely because he or she had been convicted of a single Tier I offense is not included on the public Internet website. Senate Bill 44 would amend the Sex Offender Registration Act so that this exclusion would not apply to an individual convicted of a violation of any of the following Tier I offenses:

- Section 145C(4) of the Michigan Penal Code (knowingly possessing any child sexually abusive material).
- Section 335A(2)(b) of the Michigan Penal Code if the victim were a minor (indecent exposure with fondling of the genitals, pubic area, or buttocks, or if a female, the breasts).
- Section 349 B of the Michigan Penal Code if the victim were a minor (unlawful imprisonment).
- Section 539J of the Michigan Penal Code if the victim were a minor (surveillance of or distribution, dissemination, or transmission of recording, photograph, or visual image of individual having reasonable expectation of privacy).
- Any other violation of a state law or local ordinance substantially similar to an offense described above and that by its nature constitutes a sexual offense against a minor.
- An offense substantially similar to an offense described above under a law of the federal Sex Offender and Registration and Notification Act (SORNA), also known as the Adam Walsh Act; under a law of any state or any country; or under tribal or military law.

(A "Tier I Offense" means one or more of the offenses described above; fourth-degree criminal sexual conduct (CSC) or assault with intent to commit second-degree CSC, if the victim is 18 or older; an offense committed by a person who was, at the time of the offense, a sexually delinquent person; or the attempt or conspiracy to commit any of the above.)

MCL 28.728

FISCAL IMPACT:

The bill would have no state or local fiscal impact. The Department of State Police estimates that expanding the list of single-offense Tier I offenders listed on the public sex offender registry website (<http://www.mipsor.state.mi.us/>) would add between 250 and 300 people to the public website. This change would occur within existing budgetary resources.

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