



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 261 and 262 (as reported without amendment)
Senate Bill 263 (Substitute S-1 as reported)
Sponsor: Senator Curtis Hertel, Jr. (S.B. 261)
Senator Rick Jones (S.B. 262)
Senator Tonya Schuitmaker (S.B. 263)
Committee: Judiciary

CONTENT

Senate Bill 263 (S-1) would create the "Child Abuse Offenders Registration Act" to do the following:

- Require individuals to register under the Act if they were convicted of a child abuse offense after January 1, 2019, or if they were required to register as a child abuse offender under another state's comparable statute.
- Specify the entity responsible for registering a person.
- Require a nonresident required to be registered to report his or her status in person to the appropriate registering authority if he or she were registered or present at an institution of higher education in the State.
- Require a resident required to be registered to report to the appropriate registering authority certain changes in circumstances, including a change in residence, place of employment, or name.
- Require a registrant to comply with the Act's reporting requirements for 10 years, or, for a person convicted of fourth-degree child abuse, five years.
- Require the MSP to mail a notice to each registrant not in a State correctional facility explaining his or her duties under the Act.
- Specify that a person required to be registered who was not incarcerated would have to report in person to the appropriate registering authority for verification quarterly, if convicted of a felony child abuse offense, or annually, if convicted of a misdemeanor child abuse offense.
- Create the "Child Abuse Offenders Registration Fund".
- Require a person who reported as prescribed to pay a \$50 registration fee upon initial registration, and then annually.
- Specify that a person required to be registered would have to maintain either a valid driver license or an official State personal identification card with his or her current address.
- Specify the information to be included in a registration.
- Prescribe criminal penalties for violations of the proposed Act, and require revocation of parole or probation for a person who willfully violated the Act.
- Specify that implementation of the Act would be subject to the appropriation of money provided for that purpose.

Senate Bill 261 would create the "Child Abuse Offenders Registry Act" (also named "Wyatt's Law") to do the following:

- Require the Michigan Department of State Police (MSP) to maintain a computerized law

enforcement database of registrations and notices under the proposed Child Abuse Offenders Registration Act.

- Specify the information to be included in the database, including the registrant's name, address, and Social Security number.
- Require the MSP to maintain a public website, and specify the information to be included on the website.
- Require the MSP to update the public website with new information when changes were made to the law enforcement database.
- Require the MSP to make the law enforcement database available to a Department post, local law enforcement agency, or sheriff's department, and make the public website available to the public, by electronic, computerized, or other similar means.
- Require a local law enforcement agency, sheriff's office, or MSP post to take certain actions if a person failed to register or to update his or her registration information.
- Specify that a registration or report would be confidential and information from it would not be open for inspection except for law enforcement purposes.
- Provide that a person other than the registrant who knew of a registration or report and who divulged or used nonpublic information concerning the registration or report would be guilty of a misdemeanor.

Senate Bill 262 would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 263 (S-1) to the sentencing guidelines.

Senate Bill 261 is tie-barred to Senate Bill 263. Senate Bills 262 and 263 (S-1) are tie-barred to Senate Bill 261.

MCL 777.11b (S.B. 262)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bills 261 would have a significant fiscal impact on the Michigan Department of State Police and would require local law enforcement agencies to engage in additional duties to enforce the bill's provisions. According to the MSP, the proposed child abuse offenders registry, in its design and procedural elements, mirrors closely the existing Sex Offenders Registry (SOR), run by the Department. The MSP's Criminal Justice Information Center projects a budget of \$2.5 million or more to operate the proposed database, which would feature, as SOR does, both a law enforcement database and a publicly accessible website database.

Senate Bill 263 (S-1) would help mitigate the registry costs, providing for \$35 out of a required \$50 registration fee from those convicted of a child abuse offense and required to register, to be sent to the MSP for deposit in the proposed Child Abuse Offenders Registration Fund, with \$15 being retained by a court, local law enforcement agency, sheriff's department, or MSP post. The MSP projects that first-year revenue, based upon 10,000 potential registrants, would be approximately \$500,000, leaving \$350,000 to be sent to the Fund, an amount far short of what would be needed to cover the estimated costs of building or buying a separate information technology system to properly operate the registry and staff it with MSP personnel. To fully fund the provisions of the legislation, additional funds from another source or sources, such as General Fund/General Purpose revenue, would have to be identified.

In addition, the bills' criminal penalties could have a negative fiscal impact on the State and local government. Violations of the proposed Acts would be punishable as misdemeanors and felonies of different severity. The probation or parole of any individuals who violated the Registration Act also would have to be revoked. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony

probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 262 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 2-14-18

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.