



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5679 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative James A. Lower
House Committee: Judiciary
Senate Committee: Committee of the Whole

CONTENT

The bill would amend the Sex Offender Registration Act to do the following:

- Modify, from "immediately" (within three business days) to seven days, the time period by which a probation or parole agent must register an individual if the individual's probation or parole is transferred to the State.
- Prohibit an individual who had not been convicted of or adjudicated for an offense requiring registration under the Act from being required to register under the Act.
- Modify the information required to be obtained or otherwise provided for registration purposes and that must be contained in the law enforcement database.
- Specify that a requirement to report all electronic mail addresses would apply only to an individual required to be registered under the Act after July 1, 2011.
- Delete a provision prohibiting an electronic mail address and instant message addresses assigned to an individual required to be registered under the Act from being made available on the public internet website.
- Prohibit an individual's tier classification from being made available on the public internet website.
- Require the Michigan State Police (MSP) to remove an individual from the law enforcement database and public internet website if the individual presented a court order that the conviction or adjudication requiring the individual to be registered under the Act had been set aside or expunged.
- Modify the definition of "convicted."

The bill also would repeal Sections 33 to 36 of the Act, which pertain to student safety zones.

MCL 28.722 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill could have a minimal fiscal impact on the Department of State Police, which administers the SOR, as the Department reports that one of the provisions in its vendor contract for the SOR program requires the vendor to reprogram the system at no cost to the State if there are legislatively mandated changes.

The bill's provisions allowing a registrant to report to a registering authority by means other than in person if prescribed by the Department, could require additional costs for MSP in the tens of thousands of dollars for postage (return receipt) and roughly \$200,000 to \$300,000 for SOR employees needed for processing costs, if the US Mail were chosen as a permissible reporting method.

The SOR unit at MSP has a gross annual budget of approximately \$1.0 million, 100% of which comes from the SOR Fund. The Fund is supported by fees collected from a \$50 annual fee paid by registered sex offenders required to periodically report to a local registering authority (i.e., a local police department, sheriff's department, or MSP post) under the Sex Offenders Registration Act. It allocates \$20 from each fee to the court, local law enforcement agency, sheriff's department, or MSP post that registers an offender. The remaining \$30 is credited to the SOR Fund. In practice, the \$20 retained by an MSP post also is credited to the SOR Fund. Approximately \$890,000 to \$900,00 is collected annually for deposit into the Fund; these amounts may be used by the Department for training concerning, and the maintenance and automation of, the SOR database, public internet website, or notification and offender registration duties.

Any additional costs necessitated by provisions in the bill would likely not be able to be covered by existing fee revenues and would therefore need to be supported by General Fund/General Purpose dollars.

Date Completed: 12-16-20

Fiscal Analyst: Bruce Baker