

HOUSE BILL NO. 5869

June 27, 2024, Introduced by Reps. Roth, Bezotte, Tyrone Carter, Wilson and VanderWall and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 5, 8c, and 10 (MCL 28.722, 28.725, 28.728c, and 28.730), sections 2 and 5 as amended by 2020 PA 295 and sections 8c and 10 as amended by 2011 PA 18.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Convicted" means 1 of the following:
- 3 (i) Having a judgment of conviction or a probation order

1 entered in any court having jurisdiction over criminal offenses,
2 including, but not limited to, a tribal court or a military court.
3 Convicted does not include a conviction that was subsequently set
4 aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise
5 expunged.

6 (ii) Except as otherwise provided in this subparagraph, being
7 assigned to youthful trainee status under sections 11 to 15 of
8 chapter II of the code of criminal procedure, 1927 PA 175, MCL
9 762.11 to 762.15, before October 1, 2004. An individual who is
10 assigned to and successfully completes a term of supervision under
11 sections 11 to 15 of chapter II of the code of criminal procedure,
12 1927 PA 175, MCL 762.11 to 762.15, is not convicted for purposes of
13 this act. This subparagraph does not apply if a petition was
14 granted under section 8c at any time allowing the individual to
15 discontinue registration under this act, including a reduced
16 registration period that extends to or past July 1, 2011,
17 regardless of the tier designation that would apply on and after
18 that date.

19 (iii) Having an order of disposition entered under section 18 of
20 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
21 that is open to the general public under section 28 of chapter XIIIA
22 of the probate code of 1939, 1939 PA 288, MCL 712A.28, if both of
23 the following apply:

24 (A) The individual was 14 years of age or older at the time of
25 the offense.

26 (B) The order of disposition is for the commission of an
27 offense that would classify the individual as a tier III offender.

28 (iv) Having an order of disposition or other adjudication in a
29 juvenile matter in another state or country if both of the

1 following apply:

2 (A) The individual is 14 years of age or older at the time of
3 the offense.

4 (B) The order of disposition or other adjudication is for the
5 commission of an offense that would classify the individual as a
6 tier III offender.

7 (b) "Custodial authority" means 1 or more of the following
8 apply:

9 (i) The actor was a member of the same household as the victim.

10 (ii) The actor was related to the victim by blood or affinity
11 to the fourth degree.

12 (iii) The actor was in a position of authority over the victim
13 and used this authority to coerce the victim to submit.

14 (iv) The actor was a teacher, substitute teacher, or
15 administrator of the public school, nonpublic school, school
16 district, or intermediate school district in which that other
17 person was enrolled.

18 (v) The actor was an employee or a contractual service
19 provider of the public school, nonpublic school, school district,
20 or intermediate school district in which that other person was
21 enrolled, or was a volunteer who was not a student in any public
22 school or nonpublic school, or was an employee of this state or of
23 a local unit of government of this state or of the United States
24 assigned to provide any service to that public school, nonpublic
25 school, school district, or intermediate school district, and the
26 actor used ~~his or her~~ **the actor's** employee, contractual, or
27 volunteer status to gain access to, or to establish a relationship
28 with, that other person.

29 (vi) That other person was under the jurisdiction of the

1 department of corrections and the actor was an employee or a
2 contractual employee of, or a volunteer with, the department of
3 corrections who knew that the other person was under the
4 jurisdiction of the department of corrections and used ~~his or her~~
5 **the person's** position of authority over the victim to gain access
6 to or to coerce or otherwise encourage the victim to engage in
7 sexual contact.

8 (vii) That other person was under the jurisdiction of the
9 department of corrections and the actor was an employee or a
10 contractual employee of, or a volunteer with, a private vendor that
11 operated a youth correctional facility under section 20g of the
12 corrections code of 1953, 1953 PA 232, MCL 791.220g, who knew that
13 the other person was under the jurisdiction of the department of
14 corrections.

15 (viii) That other person was a prisoner or probationer under the
16 jurisdiction of a county for purposes of imprisonment or a work
17 program or other probationary program and the actor was an employee
18 or a contractual employee of, or a volunteer with, the county or
19 the department of corrections who knew that the other person was
20 under the county's jurisdiction and used ~~his or her~~ **the person's**
21 position of authority over the victim to gain access to or to
22 coerce or otherwise encourage the victim to engage in sexual
23 contact.

24 (ix) The actor knew or had reason to know that a court had
25 detained the victim in a facility while the victim was awaiting a
26 trial or hearing, or committed the victim to a facility as a result
27 of the victim having been found responsible for committing an act
28 that would be a crime if committed by an adult, and the actor was
29 an employee or contractual employee of, or a volunteer with, the

1 facility in which the victim was detained or to which the victim
2 was committed.

3 (c) "Department" means the department of state police.

4 (d) "Employee" means an individual who is self-employed or
5 works for any other entity as a full-time or part-time employee,
6 contractual provider, or volunteer, regardless of whether ~~he or she~~
7 **the individual** is financially compensated.

8 (e) "Felony" means that term as defined in section 1 of
9 chapter I of the code of criminal procedure, 1927 PA 174, MCL
10 761.1.

11 (f) "Indigent" means an individual to whom 1 or more of the
12 following **circumstances** apply:

13 (i) ~~He or she~~ **The individual** has been found by a court to be
14 indigent within the last 6 months.

15 (ii) ~~He or she~~ **The individual** qualifies for and receives
16 assistance from the department of health and human services food
17 assistance program.

18 (iii) ~~He or she~~ **The individual** demonstrates an annual income
19 below the current federal poverty guidelines.

20 (g) "Internet identifier" means all designations used for
21 self-identification or routing in internet communications or
22 posting.

23 (h) "Institution of higher education" means 1 or more of the
24 following:

25 (i) A public or private community college, college, or
26 university.

27 (ii) A public or private trade, vocational, or occupational
28 school.

29 (i) "Listed offense" means a tier I, tier II, or tier III

1 offense.

2 (j) "Local law enforcement agency" means the police department
3 of a municipality.

4 (k) "Minor" means a victim of a listed offense who was less
5 than 18 years of age at the time the offense was committed.

6 (l) "Municipality" means a city, village, or township of this
7 state.

8 (m) "Registering authority" means the local law enforcement
9 agency or sheriff's office having jurisdiction over the
10 individual's residence, place of employment, or institution of
11 higher learning, ~~education~~, or the nearest department post
12 designated to receive or enter sex offender registration
13 information within a registration jurisdiction.

14 (n) "Registration jurisdiction" means each of the 50 states,
15 the District of Columbia, the Commonwealth of Puerto Rico, Guam,
16 the Northern Mariana Islands, the United States Virgin Islands,
17 American Samoa, and the Indian tribes within the United States that
18 elect to function as a registration jurisdiction.

19 (o) "Residence", as used in this act, for registration and
20 voting purposes means that place at which a person habitually
21 sleeps, keeps ~~his or her~~ **the person's** personal effects, and has a
22 regular place of lodging. If a person has more than 1 residence, or
23 if a person has a residence separate from that of ~~his or her~~
24 ~~husband or wife~~, **the person's spouse**, that place at which the
25 person resides the greater part of the time must be ~~his or her~~ **the**
26 **person's** official residence for the purposes of this act. If a
27 person is homeless or otherwise lacks a fixed or temporary
28 residence, residence means the village, city, or township where the
29 person spends a majority of ~~his or her~~ **the person's** time. This

1 section ~~shall~~**must** not be construed to affect existing judicial
2 interpretation of the term residence for purposes other than the
3 purposes of this act.

4 (p) "Student" means an individual enrolled on a full- or part-
5 time basis in a public or private educational institution,
6 including, but not limited to, a secondary school, trade school,
7 professional institution, or institution of higher education.

8 (q) "Tier I offender" means an individual convicted of a tier
9 I offense who is not a tier II or tier III offender.

10 (r) "Tier I offense" means 1 or more of the following:

11 (i) A violation of section 145c(4) of the Michigan penal code,
12 1931 PA 328, MCL 750.145c.

13 (ii) A violation of section 335a(2)(b) of the Michigan penal
14 code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

15 (iii) A violation of section 349b of the Michigan penal code,
16 1931 PA 328, MCL 750.349b, if the victim is a minor.

17 (iv) A violation of section 449a(2) of the Michigan penal code,
18 1931 PA 328, MCL 750.449a.

19 (v) A violation of section 520e or 520g(2) of the Michigan
20 penal code, 1931 PA 328, MCL 750.520e and 750.520g, if the victim
21 is 18 years or older.

22 (vi) A violation of section 539j of the Michigan penal code,
23 1931 PA 328, MCL 750.539j, if a victim is a minor.

24 (vii) Any other violation of a law of this state or a local
25 ordinance of a municipality, other than a tier II or tier III
26 offense, that by its nature constitutes a sexual offense against an
27 individual who is a minor.

28 (viii) An offense committed by a person who was, at the time of
29 the offense, a sexually delinquent person as defined in section 10a

1 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

2 (ix) An attempt or conspiracy to commit an offense described in
3 subparagraphs (i) to (viii).

4 (x) An offense substantially similar to an offense described
5 in subparagraphs (i) to (ix) under a law of the United States that is
6 specifically enumerated in ~~42 USC 16911~~, **34 USC 20911**, under a law
7 of any state or any country, or under tribal or military law.

8 (s) "Tier II offender" means either of the following:

9 (i) A tier I offender who is subsequently convicted of another
10 offense that is a tier I offense.

11 (ii) An individual convicted of a tier II offense who is not a
12 tier III offender.

13 (t) "Tier II offense" means 1 or more of the following:

14 (i) A violation of section 145a of the Michigan penal code,
15 1931 PA 328, MCL 750.145a.

16 (ii) A violation of section 145b of the Michigan penal code,
17 1931 PA 328, MCL 750.145b.

18 (iii) A violation of section 145c(2) or (3) of the Michigan
19 penal code, 1931 PA 328, MCL 750.145c.

20 (iv) A violation of section 145d(1)(a) of the Michigan penal
21 code, 1931 PA 328, MCL 750.145d, except for a violation arising out
22 of a violation of section 157c of the Michigan penal code, 1931 PA
23 328, MCL 750.157c.

24 (v) A violation of section 158 of the Michigan penal code,
25 1931 PA 328, MCL 750.158, committed against a minor unless either
26 of the following applies:

27 (A) All of the following:

28 (I) The victim consented to the conduct constituting the
29 violation.

1 (II) The victim was at least 13 years of age but less than 16
2 years of age at the time of the violation.

3 (III) The individual is not more than 4 years older than the
4 victim.

5 (B) All of the following:

6 (I) The victim consented to the conduct constituting the
7 violation.

8 (II) The victim was 16 or 17 years of age at the time of the
9 violation.

10 (III) The victim was not under the custodial authority of the
11 individual at the time of the violation.

12 (vi) A violation of section 338, 338a, or 338b of the Michigan
13 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
14 committed against an individual 13 years of age or older but less
15 than 18 years of age. This subparagraph does not apply if the court
16 determines that either of the following applies:

17 (A) All of the following:

18 (I) The victim consented to the conduct constituting the
19 violation.

20 (II) The victim was at least 13 years of age but less than 16
21 years of age at the time of the violation.

22 (III) The individual is not more than 4 years older than the
23 victim.

24 (B) All of the following:

25 (I) The victim consented to the conduct constituting the
26 violation.

27 (II) The victim was 16 or 17 years of age at the time of the
28 violation.

29 (III) The victim was not under the custodial authority of the

1 individual at the time of the violation.

2 (vii) A violation of section 462e(a) of the Michigan penal
3 code, 1931 PA 328, MCL 750.462e.

4 (viii) A violation of section 448 of the Michigan penal code,
5 1931 PA 328, MCL 750.448, if the victim is a minor.

6 (ix) A violation of section 455 of the Michigan penal code,
7 1931 PA 328, MCL 750.455.

8 (x) A violation of section 520c, 520e, or 520g(2) of the
9 Michigan penal code, 1931 PA 328, MCL 750.520c, 750.520e, and
10 750.520g, committed against an individual 13 years of age or older
11 but less than 18 years of age.

12 (xi) A violation of section 520c committed against an
13 individual 18 years of age or older.

14 (xii) An attempt or conspiracy to commit an offense described in
15 subparagraphs (i) to (xi).

16 (xiii) An offense substantially similar to an offense described
17 in subparagraphs (i) to (xii) under a law of the United States that
18 is specifically enumerated in ~~42 USC 16911~~, **34 USC 20911**, under a
19 law of any state or any country, or under tribal or military law.

20 (u) "Tier III offender" means either of the following:

21 (i) A tier II offender subsequently convicted of a tier I or II
22 offense.

23 (ii) ~~An~~ **Except as otherwise provided in this subparagraph, an**
24 **individual convicted of a tier III offense. Tier III offender does**
25 **not include an individual to whom subdivision (a) (iii) or (iv) applies**
26 **if the individual was convicted of 1 or more of the following:**

27 (A) A violation of section 338, 338a, or 338b of the Michigan
28 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b.

1 (B) A violation of section 349 of the Michigan penal code,
2 1931 PA 328, MCL 750.349.

3 (C) A violation of section 350 of the Michigan penal code,
4 1931 PA 328, MCL 750.350.

5 (D) A violation of section 520b(1) (a) or (b) (i) or (ii) of the
6 Michigan penal code, 1931 PA 328, MCL 750.520b.

7 (E) A violation of section 520c of the Michigan penal code,
8 1931 PA 328, MCL 750.520c.

9 (F) A violation of section 520d(1) (a) or (d) of the Michigan
10 penal code, 1931 PA 328, MCL 750.520d.

11 (G) A violation of section 520g(2) of the Michigan penal code,
12 1931 PA 328, MCL 750.520g.

13 (v) "Tier III offense" means 1 or more of the following:

14 (i) A violation of section 338, 338a, or 338b of the Michigan
15 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
16 committed against an individual less than 13 years of age.

17 (ii) A violation of section 349 of the Michigan penal code,
18 1931 PA 328, MCL 750.349, committed against a minor.

19 (iii) A violation of section 350 of the Michigan penal code,
20 1931 PA 328, MCL 750.350.

21 (iv) A violation of section 520b, 520d, or 520g(1) of the
22 Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520d, and
23 750.520g. This subparagraph does not apply if the court determines
24 that the victim consented to the conduct constituting the
25 violation, that the victim was at least 13 years of age but less
26 than 16 years of age at the time of the offense, and that the
27 individual is not more than 4 years older than the victim.

28 (v) A violation of section 520c or 520g(2) of the Michigan
29 penal code, 1931 PA 328, MCL 750.520c and 750.520g, committed

1 against an individual less than 13 years of age.

2 (vi) A violation of section 520e of the Michigan penal code,
3 1931 PA 328, MCL 750.520e, committed by an individual 17 years of
4 age or older against an individual less than 13 years of age.

5 (vii) An attempt or conspiracy to commit an offense described
6 in subparagraphs (i) to (vi).

7 (viii) An offense substantially similar to an offense described
8 in subparagraphs (i) to (vii) under a law of the United States that
9 is specifically enumerated in ~~42 USC 16911~~, **34 USC 20911**, under a
10 law of any state or any country, or under tribal or military law.

11 (w) "Vehicle" means that term as defined in section 79 of the
12 Michigan vehicle code, 1949 PA 300, MCL 257.79.

13 Sec. 5. (1) An individual required to be registered under this
14 act who is a resident of this state shall report in person, or in
15 another manner as prescribed by the department, and notify the
16 registering authority having jurisdiction where ~~his or her~~ **the**
17 **individual's** residence or domicile is located not more than 3
18 business days after any of the following occur:

19 (a) The individual changes or vacates ~~his or her~~ **the**
20 **individual's** residence or domicile.

21 (b) The individual changes ~~his or her~~ **the individual's** place
22 of employment, or employment is discontinued.

23 (c) The individual enrolls as a student with an institution of
24 higher education, or enrollment is discontinued.

25 (d) The individual changes ~~his or her~~ **the individual's** name.

26 (e) Any change required to be reported under section 4a.

27 (2) An individual required to be registered under this act who
28 is a resident of this state shall report in the manner prescribed
29 by the department to the registering authority having jurisdiction

1 where ~~his or her~~ **the individual's** residence or domicile is located
2 not more than 3 business days after any of the following occur:

3 (a) Except as otherwise provided in this subdivision, any
4 change in vehicle information, ~~electronic mail~~ **email** addresses,
5 internet identifiers, or telephone numbers registered to or used by
6 the individual. The requirement to report any change in ~~electronic~~
7 ~~mail~~ **email** addresses and internet identifiers applies only to an
8 individual required to be registered under this act after July 1,
9 2011.

10 (b) The individual intends to temporarily reside at any place
11 other than ~~his or her~~ **the individual's** residence for more than 7
12 days.

13 (3) An individual required to be registered under this act,
14 who is not a resident of this state but has ~~his or her~~ **the**
15 **individual's** place of employment in this state shall report in
16 person and notify the registering authority having jurisdiction
17 where ~~his or her~~ **the individual's** place of employment is located or
18 the department post of the individual's place of employment not
19 more than 3 business days after the individual changes ~~his or her~~
20 **the individual's** place of employment or employment is discontinued.

21 (4) If an individual who is incarcerated in a state
22 correctional facility and is required to be registered under this
23 act is granted parole or is due to be released upon completion of
24 ~~his or her~~ **the individual's** maximum sentence, the department of
25 corrections, before releasing the individual, shall provide notice
26 of the location of the individual's proposed place of residence or
27 domicile to the department. ~~of state police.~~

28 (5) If an individual who is incarcerated in a county jail and
29 is required to be registered under this act is due to be released

1 from custody, the sheriff's department, before releasing the
2 individual, shall provide notice of the location of the
3 individual's proposed place of residence or domicile to the
4 department. ~~of state police.~~

5 (6) Not more than 7 days after either of the following occurs,
6 the department of corrections shall notify the local law
7 enforcement agency or sheriff's department having jurisdiction over
8 the area to which the individual is transferred or the department
9 post of the transferred residence or domicile of an individual
10 required to be registered under this act:

11 (a) The individual is transferred to a community residential
12 program.

13 (b) The individual is transferred into a level 1 correctional
14 facility of any kind, including a correctional camp or work camp.

15 (7) An individual required to be registered under this act who
16 is a resident of this state shall report in person and notify the
17 registering authority having jurisdiction where ~~his or her~~ **the**
18 **individual's** residence or domicile is located not more than 3
19 business days before ~~he or she~~ **the individual** changes ~~his or her~~
20 **the individual's** domicile or residence to another state. The
21 individual shall indicate the new state and, if known, the new
22 address. The department shall update the registration and
23 compilation databases and promptly notify the appropriate law
24 enforcement agency and any applicable sex or child offender
25 registration authority in the new state.

26 (8) An individual required to be registered under this act,
27 who is a resident of this state, shall report in person and notify
28 the registering authority having jurisdiction where ~~his or her~~ **the**
29 **individual's** residence or domicile is located not later than 21

1 days before ~~he or she~~ **the individual** changes ~~his or her~~ **the**
2 **individual's** domicile or residence to another country or travels to
3 another country for more than 7 days. The individual shall state
4 the new country of residence or country of travel and the address
5 of ~~his or her~~ **the individual's** new domicile or residence or place
6 of stay, if known. The department shall update the registration and
7 compilation databases and promptly notify the appropriate law
8 enforcement agency and any applicable sex or child offender
9 registration authority.

10 (9) If the probation or parole of an individual required to be
11 registered under this act is transferred to another state or an
12 individual required to be registered under this act is transferred
13 from a state correctional facility to any correctional facility or
14 probation or parole in another state, the department of corrections
15 shall promptly notify the department and the appropriate law
16 enforcement agency and any applicable sex or child offender
17 registration authority in the new state. The department shall
18 update the registration and compilation databases.

19 (10) An individual registered under this act shall comply with
20 the verification procedures and proof of residence procedures
21 prescribed in sections 4a and 5a.

22 (11) Except as otherwise provided in this section and section
23 8c, a tier I offender shall comply with this section for 15 years.

24 (12) Except as otherwise provided in this section and section
25 8c, a tier II offender shall comply with this section for 25 years.

26 (13) Except as otherwise provided in this section and section
27 8c, a tier III offender shall comply with this section for life.

28 (14) The registration periods under this section exclude any
29 period of incarceration for committing a crime and any period of

1 civil commitment.

2 (15) For an individual who was previously convicted of a
3 listed offense for which ~~he or she~~ **the individual** was not required
4 to register under this act but who is convicted of any felony on or
5 after July 1, 2011, any period of time that ~~he or she~~ **the**
6 **individual** was not incarcerated for that listed offense or that
7 other felony and was not civilly committed counts toward satisfying
8 the registration period for that listed offense as described in
9 this section. If those periods equal or exceed the registration
10 period described in this section, the individual has satisfied ~~his~~
11 ~~or her~~ **the individual's** registration period for the listed offense
12 and is not required to register under this act. If those periods
13 are less than the registration period described in this section for
14 that listed offense, the individual shall comply with this section
15 for the period of time remaining.

16 (16) If an individual required to be registered under this act
17 presents an order to the department or the appropriate registering
18 authority that the conviction or adjudication for which the
19 individual is required to be registered under this act has been set
20 aside under 1965 PA 213, MCL 780.621 to 780.624, or has been
21 otherwise expunged, ~~his or her~~ **the individual's** registration under
22 this act must be discontinued. If this subsection applies, the
23 department shall remove the individual from both the law
24 enforcement database and the public internet website maintained
25 under section 8.

26 (17) **Except as otherwise provided in section 8c, an individual**
27 **registered solely because the individual had 1 or more dispositions**
28 **for a listed offense entered under section 18 of chapter XIIIA of**
29 **the probate code of 1939, 1939 PA 288, MCL 712A.18, in a case that**

1 was not designated as a case in which the individual was to be
2 tried in the same manner as an adult under section 2d of chapter
3 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, or
4 because the individual was the subject of an order of disposition
5 or other adjudication in a juvenile matter in another state or
6 country or a combination of 1 or more juvenile dispositions for a
7 listed offense under the laws of this state and 1 or more
8 dispositions or adjudications in a juvenile matter in another state
9 or country, shall comply with this section until the individual
10 attains the age of 25.

11 (18) An individual whose registration under this act is
12 discontinued because of 1 of the following cannot be required to
13 register under this act in the future for the same offense,
14 regardless of any changes to this act or any other law of this
15 state:

16 (a) A determination made by the department that is based on
17 this act at the time of the determination.

18 (b) A court order.

19 (19) Subsection (18) does not prevent an individual whose
20 registration was discontinued for a particular listed offense from
21 being required to register under this act if the individual
22 subsequently commits a new listed offense.

23 Sec. 8c. (1) An individual classified as a tier I offender who
24 meets the requirements of subsection ~~(12)~~ **(11)** may petition the
25 court under that subsection for an order allowing ~~him or her~~ **the**
26 **individual** to discontinue registration under this act.

27 ~~(2) An individual classified as a tier III offender who meets~~
28 ~~the requirements of subsection (13) may petition the court under~~
29 ~~that subsection for an order allowing him or her to discontinue~~

1 ~~registration under this act.~~

2 (2) ~~(3)~~ An individual classified as a tier I, tier II, or tier
3 III offender who meets the requirements of subsection ~~(14) or (15)~~
4 **(12), (13), or (14)** may petition the court under that subsection
5 for an order allowing ~~him or her~~ **the individual** to discontinue
6 registration under this act.

7 (3) ~~(4)~~ This section is the sole means by which an individual
8 may obtain judicial review of ~~his or her~~ **the individual's**
9 registration requirements under this act. This subsection does not
10 prohibit an appeal of the conviction or sentence as otherwise
11 provided by law or court rule. A petition filed under this section
12 ~~shall~~ **must** be filed in the court in which the individual was
13 convicted of committing the listed offense. However, if the
14 conviction occurred in another state or country and the individual
15 is a resident of this state, the individual may file a petition in
16 the circuit court in the county of ~~his or her~~ **the individual's**
17 residence for an order allowing ~~him or her~~ **the individual** to
18 discontinue registration under this act only. ~~A petition shall not~~
19 ~~be filed under this section if a previous petition was filed under~~
20 ~~this section and was denied by the court after a hearing.~~

21 (4) ~~(5)~~ A petition filed under this section ~~shall~~ **must** be made
22 under oath and ~~shall~~ **must** contain all of the following:

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

24 (b) A statement identifying the offense for which
25 discontinuation from registration is being requested.

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

29 (5) ~~(6)~~ An individual who knowingly makes a false statement in

1 a petition filed under this section is guilty of perjury ~~as~~
 2 ~~prescribed~~ under section 423 of the Michigan penal code, 1931 PA
 3 328, MCL 750.423.

4 (6) ~~(7)~~—A copy of the petition ~~shall~~**must** be filed with the
 5 office of the prosecuting attorney that prosecuted the case against
 6 the individual or, for a conviction that occurred in another state
 7 or country, the prosecuting attorney for the county of ~~his or her~~
 8 **the individual's** residence, ~~at least~~**not less than** 30 days before a
 9 hearing is held on the petition. The prosecuting attorney may
 10 appear and participate in all proceedings regarding the petition
 11 and may seek appellate review of any decision on the petition.

12 (7) ~~(8)~~—If the name of the victim of the offense is known by
 13 the prosecuting attorney, the prosecuting attorney shall provide
 14 the victim with written notice that a petition has been filed and
 15 shall provide the victim with a copy of the petition. The notice
 16 ~~shall~~**must** be sent by first-class mail to the victim's last known
 17 address. The petition ~~shall~~**must** include a statement of the
 18 victim's rights under subsection ~~(10)~~**(9)**.

19 (8) ~~(9)~~—If an individual properly files a petition with the
 20 court under this section, the court shall conduct a hearing on the
 21 petition as provided in this section.

22 (9) ~~(10)~~—The victim has the right to attend all proceedings
 23 under this section and to make a written or oral statement to the
 24 court before any decision regarding the petition is made. A victim
 25 ~~shall~~**must** not be required to appear at any proceeding under this
 26 section against ~~his or her~~**the victim's** will.

27 (10) ~~(11)~~—The court shall consider all of the following in
 28 determining whether to allow the individual to discontinue
 29 registration under subsection ~~(12)~~ ~~or~~ ~~(13)~~**(11)** but shall not grant

1 the petition if the court determines that the individual is a
2 continuing threat to the public:

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

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

7 (c) The nature of the offense.

8 (d) The severity of the offense.

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

10 (f) The individual's likelihood to commit further listed
11 offenses.

12 (g) Any impact statement submitted by the victim under the
13 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL
14 780.751 to 780.834, or under this section.

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

16 **(11)** ~~(12)~~—The court may grant a petition properly filed by an
17 individual under subsection (1) if all of the following apply:

18 (a) Ten or more years have elapsed since the date of ~~his or~~
19 ~~her~~ **the individual's** conviction for the listed offense or from ~~his~~
20 ~~or her~~ **the individual's** release from any period of confinement for
21 that offense, whichever occurred last.

22 (b) The petitioner has not been convicted of any felony since
23 the date described in subdivision (a).

24 (c) The petitioner has not been convicted of any listed
25 offense since the date described in subdivision (a).

26 (d) The petitioner successfully completed ~~his or her~~ **the**
27 **individual's** assigned periods of supervised release, probation, or
28 parole without revocation at any time of that supervised release,
29 probation, or parole.

1 (e) The petitioner successfully completed a sex offender
 2 treatment program certified by the United States ~~attorney general~~
 3 **Attorney General** under ~~42 USC 16915(b)(1),~~ **34 USC 20915(b)(1)**, or
 4 another appropriate sex offender treatment program. The court may
 5 waive the requirements of this subdivision if successfully
 6 completing a sex offender treatment program was not a condition of
 7 the petitioner's confinement, release, probation, or parole.

8 **(f) The petitioner has not previously filed a petition under**
 9 **this section that was denied by the court after a hearing.**

10 **(12)** ~~(13)~~The court may grant a petition properly filed by an
 11 individual under subsection (2) if all of the following apply:

12 (a) The petitioner is required to register based on an order
 13 of disposition, ~~entered under section 18 of chapter XIIA of the~~
 14 ~~probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the~~
 15 ~~general public under section 28 of chapter XIIA of the probate code~~
 16 ~~of 1939, 1939 PA 288, MCL 712A.28.~~ **judgment of sentence, or order of**
 17 **probation entered because of 1 or more of the following:**

18 **(i) The petitioner was tried in the same manner as an adult**
 19 **under section 2d of chapter XIIA of the probate code of 1939, 1939**
 20 **PA 288, MCL 712A.2d.**

21 **(ii) The petitioner committed the listed offense when the**
 22 **petitioner was 17 years of age and was tried in the same manner as**
 23 **an adult before October 1, 2021.**

24 ~~(b) Twenty-five or more years have elapsed since the date of~~
 25 ~~his or her adjudication for the listed offense or from his or her~~
 26 ~~release from any period of confinement for that offense, whichever~~
 27 ~~occurred last.~~

28 **(b)** ~~(e)~~The petitioner has not been convicted of any felony
 29 since the date ~~described in subdivision (b).~~ **of the petitioner's**

1 order of disposition, judgment of sentence, or order of probation
2 for a listed offense or from the petitioner's release from any
3 period of confinement for that offense, whichever occurred last.

4 (c) ~~(d)~~—The petitioner has not been convicted of any listed
5 offense since the date ~~described in subdivision (b)~~.of the
6 petitioner's order of disposition, judgment of sentence, or order
7 of probation for a listed offense or from the petitioner's release
8 from any period of confinement for that offense, whichever occurred
9 last.

10 (d) ~~(e)~~—The petitioner successfully completed ~~his or her~~the
11 petitioner's assigned periods of supervised release, probation, or
12 parole without revocation at any time of that supervised release,
13 probation, or parole.

14 (e) ~~(f)~~—The court determines that the petitioner successfully
15 completed a sex offender treatment program certified by the United
16 States ~~attorney general~~**Attorney General** under ~~42 USC 16915(b)(1)~~,
17 **34 USC 20915(b)(1)** or another appropriate sex offender treatment
18 program. The court may waive the requirements of this subdivision
19 if successfully completing a sex offender treatment program was not
20 a condition of the petitioner's confinement, release, probation, or
21 parole.

22 (13) ~~(14)~~—The court shall grant a petition properly filed by
23 an individual under subsection ~~(3)~~**(2)** if the court determines that
24 the conviction for the listed offense was the result of a
25 consensual sexual act between the petitioner and the victim and any
26 of the following apply:

27 (a) All of the following:

28 (i) The victim was 13 years of age or older but less than 16
29 years of age at the time of the offense.

1 (ii) The petitioner is not more than 4 years older than the
2 victim.

3 (b) All of the following:

4 (i) The individual was convicted of a violation of section 158,
5 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL
6 750.158, 750.338, 750.338a, and 750.338b.

7 (ii) The victim was 13 years of age or older but less than 16
8 years of age at the time of the violation.

9 (iii) The individual is not more than 4 years older than the
10 victim.

11 (c) All of the following:

12 (i) The individual was convicted of a violation of section 158,
13 338, 338a, 338b, or 520c(1)(i) of the Michigan penal code, 1931 PA
14 328, MCL 750.158, 750.338, 750.338a, 750.338b, and 750.520c.

15 (ii) The victim was 16 years of age or older at the time of the
16 violation.

17 (iii) The victim was not under the custodial authority of the
18 individual at the time of the violation.

19 **(14)** ~~(15)~~ The court shall grant a petition properly filed by
20 an individual under subsection ~~(3)~~ **(2)** if ~~either~~ **any** of the
21 following ~~applies~~ **apply**:

22 (a) Both of the following:

23 (i) The petitioner was adjudicated as a juvenile.

24 (ii) The petitioner was less than 14 years of age at the time
25 of the offense.

26 (b) The individual ~~was~~ **is erroneously** registered under this
27 act ~~before July 1, 2011~~ for an offense that **previously** required
28 registration but for which registration is ~~not~~ **no longer** required.
29 ~~on or after July 1, 2011.~~

1 (c) Both of the following:

2 (i) The individual is registered solely because the individual
3 had 1 or more dispositions for a listed offense entered under
4 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
5 288, MCL 712A.18, in a case that was not designated as a case in
6 which the individual was to be tried in the same manner as an adult
7 under section 2d of chapter XIIA of the probate code of 1939, 1939
8 PA 288, MCL 712A.2d, or because the individual was the subject of 1
9 or more dispositions or adjudications in a juvenile matter in
10 another state or country.

11 (ii) The court determines that the petitioner successfully
12 completed a sex offender treatment program certified by the United
13 States Attorney General under 34 USC 20915(b)(1), or another
14 appropriate sex offender treatment program.

15 Sec. 10. (1) Except as provided in this act **and subject to**
16 **this subsection**, a registration or report is confidential and
17 information from that registration or report ~~shall~~**must** not be open
18 to inspection except for law enforcement purposes. The registration
19 or report and all included materials and information are exempt
20 from disclosure under section 13 of the freedom of information act,
21 1976 PA 442, MCL 15.243. **The exemption from disclosure under**
22 **section 13 of the freedom of information act, 1976 PA 442, MCL**
23 **15.243, under this subsection does not apply to statistical data**
24 **determined from registration or report data or any included**
25 **materials and information, so long as that data does not disclose**
26 **the identity of a registrant.**

27 (2) A department post, local law enforcement agency, or
28 sheriff's department shall make information from the public
29 internet website described in section 8(2) for the designated areas

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

6 (3) The department may make information from the public
7 internet website described in section 8(2) available to the public
8 through electronic, computerized, or other accessible means. The
9 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 public internet website described in section
13 8(2) initially registers under this act, or changes ~~his or her~~ **the**
14 **individual's** registration under this act, to a location that is in
15 a 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 public
27 internet website described in section 8(2) or information from that
28 public internet website that is provided or made available under
29 section 8(2) or under subsection (2) or (3).