

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 76

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 34 (MCL 28.734), as amended by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) Except as provided in this section and section
2 36, an individual required to be registered under article II shall
3 not do 1 or more of the following:

4 (a) Work within a student safety zone.

5 (b) Loiter within a student safety zone.

6 (c) IF THE INDIVIDUAL WAS CONVICTED OF COMMITTING A LISTED
7 OFFENSE AGAINST A MINOR, LOITER WITHIN 1,000 FEET OF A CHILD CARE
8 CENTER OR DAY CARE CENTER DURING THE REGULAR HOURS OF OPERATION OF
9 THAT CHILD CARE CENTER OR DAY CARE CENTER. AS USED IN THIS
10 SUBDIVISION, "CHILD CARE CENTER" OR "DAY CARE CENTER" MEANS A CHILD

1 CARE CENTER OR DAY CARE CENTER AS THOSE TERMS ARE DEFINED IN
2 SECTION 1 OF 1973 PA 116, MCL 722.111, AND AS LICENSED UNDER
3 SECTION 5 OF 1973 PA 116, MCL 722.115.

4 (2) An individual who violates this section is guilty of a
5 crime as follows:

6 (a) For the first violation, the individual is guilty of a
7 misdemeanor punishable by imprisonment for not more than 1 year or
8 a fine of not more than \$1,000.00, or both.

9 (b) An individual who violates this section and has 1 or more
10 prior convictions under this section is guilty of a felony
11 punishable by imprisonment for not more than 2 years or a fine of
12 not more than \$2,000.00, or both.

13 (3) Subsection (1)(a) does not apply to any of the following:

14 (a) An individual who was working within a student safety zone
15 on January 1, 2006. However, this exception does not apply to an
16 individual who initiates or maintains contact with a minor within
17 that student safety zone.

18 (b) An individual whose place of employment is within a
19 student safety zone solely because a school is relocated or is
20 initially established 1,000 feet or less from the individual's
21 place of employment. However, this exception does not apply to an
22 individual who initiates or maintains contact with a minor within
23 that student safety zone.

24 (c) An individual who only intermittently or sporadically
25 enters a student safety zone for the purpose of work. However, this
26 exception does not apply to an individual who initiates or
27 maintains contact with a minor within a student safety zone.

1 (4) SUBSECTION (1) (A) TO (C) DOES NOT APPLY TO ANY OF THE
2 FOLLOWING:

3 (A) AN INDIVIDUAL WHO IS WITHIN A STUDENT SAFETY ZONE WHILE
4 TRANSPORTING HIS OR HER CHILD TO OR FROM SCHOOL OR TO OR FROM AN
5 EVENT SANCTIONED BY THAT SCHOOL.

6 (B) AN INDIVIDUAL WHO IS WITHIN A STUDENT SAFETY ZONE FOR THE
7 PURPOSE OF MEETING WITH AN EMPLOYEE OF THE SCHOOL REGARDING HIS OR
8 HER CHILD ENROLLED AT THAT SCHOOL.

9 (C) AN INDIVIDUAL WHO IS WITHIN 1,000 FEET OF A CHILD CARE
10 CENTER OR DAY CARE CENTER WHILE TRANSPORTING HIS OR HER CHILD TO OR
11 FROM THAT CHILD CARE CENTER OR DAY CARE CENTER OR TO OR FROM AN
12 EVENT SANCTIONED BY THAT CHILD CARE CENTER OR DAY CARE CENTER.

13 (D) AN INDIVIDUAL WHO IS WITHIN 1,000 FEET OF A CHILD CARE
14 CENTER OR DAY CARE CENTER FOR THE PURPOSE OF MEETING WITH AN
15 EMPLOYEE OF THE CHILD CARE CENTER OR DAY CARE CENTER REGARDING HIS
16 OR HER CHILD ENROLLED AT THAT CHILD CARE CENTER OR DAY CARE CENTER.

17 (5) ~~(4)~~—This section does not prohibit an individual from
18 being charged with, convicted of, or punished for any other
19 violation of law that is committed by that individual while
20 violating this section.

21 (6) ~~(5)~~—Nothing in this section shall be construed to prohibit
22 an individual from exercising his or her right to vote.

23 Enacting section 1. This amendatory act takes effect April 1,
24 2014.