

Act No. 295  
Public Acts of 1994  
Approved by the Governor  
July 13, 1994  
Filed with the Secretary of State  
July 14, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Senators Pollack Dingell Dillingham Koivisto Hart Conroy Faust Stabenow and Hoffman**

# **ENROLLED SENATE BILL No. 397**

AN ACT to require persons convicted of certain offenses to register to prescribe the powers and duties of certain departments and agencies in connection with that registration and to prescribe penalties and sanctions

*The People of the State of Michigan enact*

Sec 1 This act shall be known and may be cited as the sex offenders registration act

Sec 2 As used in this act

(a) Convicted means 1 of the following

(i) Having a judgment of conviction or a probation order entered in a court having jurisdiction over criminal offenses including a conviction subsequently set aside pursuant to Act No 213 of the Public Acts of 1965 being sections 780 621 to 780 624 of the Michigan Compiled Laws

(ii) Being assigned to youthful trainee status pursuant to sections 11 to 15 of chapter II of the code of criminal procedure Act No 175 of the Public Acts of 1927 being sections 762 11 to 762 15 of the Michigan Compiled Laws

(iii) Having a disposition entered pursuant to section 18 of chapter XIIA of Act No 288 of the Public Acts of 1939 being section 712A 18 of the Michigan Compiled Laws that is open to the general public pursuant to section 28 of chapter XIIA of Act No 288 of the Public Acts of 1939 being section 712A 28 of the Michigan Compiled Laws

(b) Department means the department of state police

(c) Local law enforcement agency means the police department of a municipality

(d) Listed offense means any of the following

(i) A violation of section 145a 145b or 145c of the Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 145a 750 145b and 750 145c of the Michigan Compiled Laws

(ii) A third or subsequent violation of any combination of the following

(A) Section 167(1)(f) of Act No 328 of the Public Acts of 1931 being section 750 167 of the Michigan Compiled Laws

(B) Section 335a of Act No 328 of the Public Acts of 1931 being section 750 335a of the Michigan Compiled Laws

(C) A local ordinance substantially corresponding to a section described in sub subparagraph (A) or (B)

(iii) A violation of section 455 of Act No 328 of the Public Acts of 1931 being section 750 455 of the Michigan Compiled Laws

(iv) A violation of section 520b 520c 520d 520e or 520g of Act No 328 of the Public Acts of 1931 being sections 750 520b 750 520c 750 520d 750 520e and 750 520g of the Michigan Compiled Laws

(v) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (iv)

(vi) An offense substantially similar to an offense described in subparagraphs (i) to (v) under a law of the United States any state or any country

(e) Municipality means a city village or township of this state

(f) Unit means the department's investigative resources unit

Sec 3 The following individuals who are domiciled or temporarily reside in this state for 14 days or more are required to be registered under this act

(a) An individual who is convicted of a listed offense after October 1 1995

(b) An individual convicted of a listed offense on or before October 1 1995 who on October 1 1995 is on probation or parole committed to jail committed to the jurisdiction of the department of corrections or under the jurisdiction of the juvenile division of the probate court or the department of social services for that offense or who is placed on probation or parole committed to jail committed to the jurisdiction of the department of corrections or placed under the jurisdiction of the juvenile division of the probate court or the department of social services after October 1 1995 for that offense

(c) An individual convicted of an offense described in section 2(d)(v) on or before October 1 1995 who on October 1 1995 is on probation or parole that has been transferred to this state for that offense or whose probation or parole is transferred to this state after October 1 1995 for that offense

Sec 4 (1) Registration of an individual under this act shall proceed as provided in this section

(2) For an individual convicted of a listed offense on or before October 1 1995 who on or before October 1 1995 is sentenced for that offense has a disposition entered for that offense or is assigned to youthful trainee status for that offense the following shall register the individual by December 31 1995

(a) If the individual is on probation for the listed offense the individual's probation officer

(b) If the individual is committed to jail for the listed offense the sheriff or his or her designee

(c) If the individual is under the jurisdiction of the department of corrections for the listed offense the department of corrections

(d) If the individual is on parole for the listed offense the individual's parole officer

(e) If the individual is within the jurisdiction of the juvenile division of the probate court or the department of social services pursuant to an order of disposition for the listed offense the juvenile division of the probate court or the department of social services

(3) For an individual convicted of a listed offense on or before October 1 1995

(a) If the individual is sentenced for that offense after October 1 1995 or assigned to youthful trainee status after October 1 1995 the probation officer shall register the individual before sentencing or assignment

(b) If the individual's probation or parole is transferred to this state after October 1 1995 the probation or parole officer shall register the individual within 14 days after the transfer

(c) If the individual is placed within the jurisdiction of the juvenile division of the probate court or the department of social services pursuant to an order of disposition entered after October 1 1995 the juvenile division of the probate court shall register the individual before the order of disposition is entered

(4) For an individual convicted of a listed offense in this state after October 1 1995 the individual shall register before sentencing entry of the order of disposition or assignment to youthful trainee status The probation officer or the juvenile division of the probate court shall give the individual the registration form after the individual is convicted shall explain the duty to register and shall accept the completed registration for processing pursuant to section 6

(5) For an individual convicted of a listed offense in another state or country after October 1 1995 the individual shall register with the local law enforcement agency or the state police or the sheriff's department within 14 days after becoming domiciled or temporarily residing in this state

Sec 5 (1) Within 10 days after any of the following occur an individual required to be registered under this act shall notify the local law enforcement agency in which his or her new address is located or the state police or the sheriff's department of the individual's new address

(a) The individual changes his or her address

(b) The individual is paroled

(c) Final release of the individual from the jurisdiction of the department of corrections

(2) Within 10 days after either of the following occurs the department of corrections shall notify the local law enforcement agency for the area to which the individual is transferred or the state police or the sheriff's department of the transferred address of an individual required to be registered under this act

- (a) The individual is transferred to a community residential program
- (b) The individual is transferred into a minimum custody correctional facility of any kind including a correctional camp or work camp
- (3) Except as provided in subsection (4) an individual shall comply with this section for 25 years after the date of initially registering
- (4) An individual shall comply with this section for life if the individual is convicted of a second or subsequent listed offense after October 1 1995 regardless of when the first listed offense was committed

Sec 6 (1) The officer court or agency registering an individual or receiving or accepting a registration under section 4 or receiving notice under section 5(1) shall provide the individual with a copy of the registration or notification at the time of registration or notice.

(2) The officer court or agency registering an individual or receiving or accepting a registration under section 4 or notified of an address change under section 5(1) shall forward the registration or notification to the department within 7 days after registration or notification

(3) If an individual registers at a Michigan state police post the department shall forward a copy of the registration within 7 days to the local law enforcement agency in the municipality in which the individual's address is located or to the sheriff's department if the municipality does not have a local law enforcement agency

Sec 7 (1) A registration under this act shall be made on a form provided by the department and shall contain all of the following

- (a) The individual's name social security number and address or expected address
- (b) A brief summary of the individual's convictions for listed offenses including where the offense occurred and the original charge if the conviction was for a lesser offense
- (c) A complete physical description of the individual
- (d) The individual's blood type and whether a DNA identification profile of the individual is available
- (2) A registration shall have a recent photograph of the individual
- (3) A form used for registration under this act shall contain a written statement that explains the duty of the individual being registered to provide notice of a change of address under section 5 and the procedures for providing that notice
- (4) The individual shall sign the registration or notice
- (5) The officer court or an employee of the agency registering the individual or receiving or accepting a registration under section 4 shall also sign the registration
- (6) An individual shall not knowingly provide false or misleading information concerning a registration or notice
- (7) The department shall prescribe the form for a notification required under section 5

Sec 8 The department shall maintain a computerized data base of registrations and notices required under this act

Sec 9 (1) An individual required to be registered under this act who willfully violates this act is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2 000 00 or both

- (2) The court shall revoke the probation of an individual placed on probation who willfully violates this act
- (3) The court shall revoke the youthful trainee status of an individual assigned to youthful trainee status who willfully violates this act
- (4) The parole board shall rescind the parole of an individual released on parole who willfully violates this act

Sec 10 (1) Except as provided in this act a registration is confidential and shall not be open to inspection except for law enforcement purposes The registration and all included materials are exempt from disclosure pursuant to section 13 of the freedom of information act Act No 442 of the Public Acts of 1976 being section 15 243 of the Michigan Compiled Laws

(2) Except as provided in this act an individual other than the registrant who knows of a registration under this act and who divulges uses or publishes information concerning the registration in violation of this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500 00 or both

(3) An individual whose registration is revealed in violation of this act has a civil cause of action against the responsible party for treble damages

Sec 11 This act shall take effect October 1 1995

Sec 12 This act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law

- (a) Senate Bill No 193
- (b) Senate Bill No 194
- (c) Senate Bill No 400
- (d) House Bill No 4601

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor