



# SENATE BILL No. 192

January 26, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Judiciary.

A bill to require persons convicted of certain sexual offenses to register with local law enforcement agencies; to prescribe the powers and duties of certain departments and agencies; and to prescribe penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3       Sec. 2. As used in this act:

4       (a) "Conviction" includes assignment to youthful trainee  
5 status pursuant to sections 11 to 15 of chapter II of the code of  
6 criminal procedure, Act No. 175 of the Public Acts of 1927, being  
7 sections 762.11 to 762.15 of the Michigan Compiled Laws.

8       (b) "Department" means the department of state police.

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1 (c) "Law enforcement agency" means an organized police  
2 department of a municipality or the sheriff's department of a  
3 county.

4 (d) "Listed offense" means any of the following offenses:

5 (i) A violation of section 142, 143, 145, 145a, 145b, or  
6 145c of the Michigan penal code, Act No. 328 of the Public Acts  
7 of 1931, being sections 750.142, 750.143, 750.145, 750.145a,  
8 750.145b, and 750.145c of the Michigan Compiled Laws.

9 (ii) A violation of section 158, 167(f), 335a, 338, 338a,  
10 338b, or 462 of Act No. 328 of the Public Acts of 1931, being  
11 sections 750.158, 750.167, 750.335a, 750.338, 750.338a, 750.338b,  
12 and 750.462 of the Michigan Compiled Laws.

13 (iii) A violation of section 520b, 520c, 520d, 520e, or 520g  
14 of Act No. 328 of the Public Acts of 1931, being sections  
15 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the  
16 Michigan Compiled Laws.

17 (iv) A violation of former section 333, 336, 339, 340, 341,  
18 342, or 520 of Act No. 328 of the Public Acts of 1931.

19 (v) A violation of a statute of the United States or any  
20 state substantially similar to an offense described in subpara-  
21 graphs (i) to (iv).

22 (vi) An attempt or conspiracy to commit an offense described  
23 in subparagraphs (i) to (v).

24 (e) "Municipality" means a city, village, or township of  
25 this state.

1       Sec. 3. (1) An individual convicted of a listed offense who  
2 is domiciled or temporarily resides in this state shall register  
3 as follows:

4       (a) If the municipality in which the individual is domiciled  
5 or temporarily resides has an organized police department, with  
6 the police chief of that police department.

7       (b) If the municipality in which the individual is domiciled  
8 or temporarily resides does not have an organized police depart-  
9 ment, with the sheriff of the county in which the individual is  
10 domiciled or temporarily resides.

11       (2) A registration under this act shall contain all of the  
12 following, in the form prescribed by the department:

13       (a) A written statement signed by the individual that con-  
14 tains all of the following:

15       (i) The individual's name and address.

16       (ii) A brief summary of the individual's convictions for  
17 listed offenses.

18       (iii) Any other information the department finds necessary  
19 to implement this act.

20       (b) The individual's fingerprints.

21       (c) A recent photograph of the individual.

22       (3) Within 3 days after receiving a registration, the law  
23 enforcement agency shall forward the registration to the  
24 department. The law enforcement agency may retain a copy of the  
25 registration for its records.

26       Sec. 4. (1) An individual required to register under this  
27 act shall do so within the following time periods:

1 (a) If the conviction for any listed offense occurred before  
2 the effective date of this act and the individual is neither  
3 incarcerated on the effective date of this act nor scheduled to  
4 begin incarceration within 30 days after that date, the individ-  
5 ual shall register within 30 days after the effective date of  
6 this act.

7 (b) In all cases not described in subdivision (a), the indi-  
8 vidual shall register within 14 days after 1 of the following  
9 occurs:

10 (i) The individual becomes domiciled or temporarily resides  
11 for 14 days or more in a municipality.

12 (ii) Entry of a conviction for a listed offense for which  
13 the individual is not incarcerated.

14 (iii) The individual is released from incarceration other  
15 than a temporary release described in section 5.

16 (2) Within 10 days after changing his or her residence  
17 address, an individual required to register under this act shall  
18 notify the law enforcement agency with which he or she last reg-  
19 istered of the new address. Within 3 days after notification,  
20 the law enforcement agency shall forward the information to the  
21 department. The department shall update its records and, if  
22 applicable, immediately forward the individual's registration  
23 information to the law enforcement agency with which the individ-  
24 ual is required to register for the new address.

25 (3) A youth assigned to youthful trainee status pursuant to  
26 sections 11 to 15 of chapter II of the code of criminal  
27 procedure, Act No. 175 of the Public Acts of 1927, being sections

1 762.11 to 762.15 of the Michigan Compiled Laws, for a listed  
2 offense shall comply with this act for any listed offense for  
3 which he or she is assigned to youthful trainee status until he  
4 or she is 25 years of age.

5 (4) The department shall prescribe the form for a notifica-  
6 tion required under subsection (2).

7 Sec. 5. (1) If an individual under the jurisdiction of the  
8 department of corrections who would be required to register fol-  
9 lowing his or her final release is sent on a temporary assignment  
10 outside the institution in which he or she is confined, the  
11 department of corrections shall notify the local law enforcement  
12 agency having jurisdiction over the area in which the assignment  
13 will occur within 3 days before the temporary release.

14 (2) This section does not apply to an individual under the  
15 jurisdiction of the department of corrections temporarily  
16 released under guard.

17 Sec. 6. (1) Except as otherwise provided in subsection (2)  
18 or (3), an individual required to register under this act who  
19 willfully violates this act is guilty of a misdemeanor punishable  
20 by imprisonment for not more than 90 days or a fine of not more  
21 than \$100.00, or both.

22 (2) An individual required to register under this act for a  
23 conviction of any of the following listed offenses who willfully  
24 violates this act is guilty of a misdemeanor and shall be pun-  
25 ished by imprisonment for not less than 90 days or more than 1  
26 year, and may be punished by a fine of not more than \$100.00:

1 (a) Section 158, 338, 338a, 338b, 520b, 520c, 520d, 520e, or  
2 520g of the Michigan penal code, Act No. 328 of the Public Acts  
3 of 1931, being sections 750.158, 750.338, 750.338a, 750.338b,  
4 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the  
5 Michigan Compiled Laws.

6 (b) Former section 336, 339, 340, 341, 342, or 520 of Act  
7 No. 328 of the Public Acts of 1931.

8 (c) A violation of a statute of the United States or any  
9 state substantially similar to an offense described in subdivi-  
10 sion (a) or (b).

11 (3) An individual who has 2 or more prior convictions for  
12 failing to register under this act and who subsequently willfully  
13 fails to register under this act is guilty of a felony punishable  
14 by imprisonment for not more than 3 years.

15 (4) The court shall revoke the probation of an individual  
16 placed on probation who willfully violates this act.

17 (5) The court shall revoke the youthful trainee status of an  
18 individual assigned to youthful trainee status who willfully vio-  
19 lates this act.

20 (6) The parole board shall rescind the parole of an individ-  
21 ual released on parole who willfully violates this act.

22 Sec. 7. Except as provided in this act, a registration is  
23 confidential and shall not be open to inspection by any person  
24 other than a peace officer engaging in his or her duties as a  
25 peace officer. The registration and all included materials are  
26 exempt from disclosure pursuant to section 13 of the freedom of

1 information act, Act No. 442 of the Public Acts of 1976, being  
2 section 15.243 of the Michigan Compiled Laws.