



SENATE BILL No. 397

February 16, 1993, Introduced by Senators POLLACK, DINGELL, DILLINGHAM, KOIVISTO, HART, CONROY, FAUST and STABENOW and referred to the Committee on Judiciary.

A bill to require persons convicted of certain offenses to register with the department of state police; to prescribe the powers and duties of certain departments and agencies; and to prescribe penalties and sanctions.

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" means 1 of the following:

5 (i) A final conviction entered in a court having jurisdic-
6 tion over criminal offenses.

7 (ii) Assignment to youthful trainee status pursuant to
8 sections 11 to 15 of chapter II of the code of criminal

1 procedure, Act No. 175 of the Public Acts of 1927, being sections
2 762.11 to 762.15 of the Michigan Compiled Laws.

3 (iii) Placing a juvenile on probation pursuant to section
4 1(3) or (4) of chapter IX of the code of criminal procedure, Act
5 No. 175 of the Public Acts of 1927, being section 769.1 of the
6 Michigan Compiled Laws.

7 (iv) A conviction set aside pursuant to Act No. 213 of the
8 Public Acts of 1965, being sections 780.621 to 780.624 of the
9 Michigan Compiled Laws.

10 (v) A disposition entered pursuant to section 18 of chapter
11 XIIIA of Act No. 288 of the Public Acts of 1939, being section
12 712A.18 of the Michigan Compiled Laws.

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

14 (c) "Local law enforcement agency" means the police depart-
15 ment of a municipality.

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

17 (i) A violation of section 145a, 145b, or 145c of the
18 Michigan penal code, Act No. 328 of the Public Acts of 1931,
19 being sections 750.145a, 750.145b, and 750.145c of the Michigan
20 Compiled Laws.

21 (ii) A violation of section 167(c), 335a, or 455 of Act
22 No. 328 of the Public Acts of 1931, being sections 750.167,
23 750.335a, and 750.455 of the Michigan Compiled Laws.

24 (iii) A violation of section 520b, 520c, 520d, 520e, or 520g
25 of Act No. 328 of the Public Acts of 1931, being sections
26 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the
27 Michigan Compiled Laws.

1 (iv) An attempt or conspiracy to commit an offense described
2 in subparagraphs (i) to (iii).

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

5 (f) "Unit" means the department's investigative resources
6 unit.

7 Sec. 3. (1) An individual convicted of a listed offense to
8 whom section 4(1)(a) to (h) applies shall register pursuant to
9 section 4.

10 (2) An individual who enters this state and becomes domi-
11 ciled or resides temporarily in this state shall register pursu-
12 ant to section 4(1)(i) if the individual has been convicted of a
13 listed offense or an offense substantially similar to a listed
14 offense under a law of the United States or any other state or
15 country.

16 Sec. 4. (1) Registration of an individual under this act
17 shall proceed as follows:

18 (a) If a court places the individual on probation for a
19 listed offense, the court shall register the individual before
20 entering the probation order.

21 (b) If the individual is committed to jail for a listed
22 offense, the sheriff shall register the individual before he or
23 she is released from jail.

24 (c) If the individual is committed to the jurisdiction of
25 the department of corrections, the department of corrections
26 shall register the individual before 1 or more of the following
27 events occur to the individual:

1 (i) Final release from the jurisdiction of the department of
2 corrections.

3 (ii) Parole.

4 (iii) Transfer to a community residential program.

5 (iv) Transfer into a minimum custody correctional facility
6 of any kind, including a correctional camp or work camp.

7 (d) If the juvenile division of the probate court enters an
8 order of disposition for a listed offense pursuant to section 18
9 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
10 section 712A.18 of the Michigan Compiled Laws, the juvenile divi-
11 sion of the probate court shall register the individual before
12 entering the disposition.

13 (e) If an individual is on probation for a listed offense on
14 the effective date of this act, the individual's probation offi-
15 cer shall register the individual within 14 days after the effec-
16 tive date of this act.

17 (f) If an individual is on parole for a listed offense on
18 the effective date of this act, the individual's parole officer
19 shall register the individual within 14 days after the effective
20 date of this act.

21 (g) If an individual is under the jurisdiction of the
22 department of corrections in a community residential program or a
23 minimum custody correctional facility of any kind on the effec-
24 tive date of this act, the department of corrections shall regis-
25 ter the individual within 14 days after the effective date of
26 this act.

1 (h) If an individual is within the jurisdiction of the
2 juvenile division of the probate court on the effective date of
3 this act pursuant to an order of disposition for a listed
4 offense, the juvenile division of the probate court shall regis-
5 ter the individual within 14 days after the effective date of
6 this act.

7 (i) An individual required to register under section 3(2)
8 shall register with the department at any department post or
9 headquarters within 3 days after entering this state.

10 (2) Except as provided in section 7(2), within 3 days after
11 changing his or her residence address, an individual registered
12 under this act shall notify the following of the new address as
13 applicable:

14 (a) If the court or probation officer registered the indi-
15 vidual pursuant to subsection (1)(a) or (1)(c) and the individual
16 is on probation, the individual shall notify his or her probation
17 officer.

18 (b) If the department of corrections or parole officer reg-
19 istered the individual pursuant to subsection (1)(c)(ii) or
20 (1)(f) and the individual is on parole, the individual shall
21 notify his or her parole officer.

22 (c) In all other cases not described in subdivision (a) or
23 (b), the individual shall notify the department at any department
24 post or headquarters.

25 (3) The agency registering an individual or receiving notice
26 under subsection (2) shall provide the individual with a copy of

1 the registration or notification when the individual registers or
2 provides notice.

3 (4) A court, law enforcement agency, probation or parole
4 officer, or the department of corrections registering an individ-
5 ual under subsection (1) or a probation or parole officer noti-
6 fied of an address change under subsection (2) shall forward the
7 registration or notification to the department within 7 days
8 after registration or notification.

9 (5) Within 7 days after receiving a registration or notice,
10 the unit shall notify the sheriff's department in the county
11 where the individual will reside of the registration or notice
12 unless the sheriff's department registered the individual under
13 section 4(1)(b). If the individual will reside in a municipality
14 having a local law enforcement agency, the sheriff shall notify
15 that local law enforcement agency of the registration or notice
16 within 7 days after registering the individual or receiving
17 notice from the unit.

18 Sec. 5. (1) An individual registered pursuant to section
19 4(1)(a), (b), (c), (e), (f), (g), or (i) shall comply with sec-
20 tion 4(2) for life.

21 (2) Except as provided in section 7(2), an individual regis-
22 tered pursuant to section 4(1)(d) or (h) shall comply with sec-
23 tion 4(2) for 10 years after entry of the disposition.

24 Sec. 6. (1) A registration under this act shall contain all
25 of the following, in the form prescribed by the department:

26 (a) A written statement that contains all of the following:

1 (i) The individual's name and address or expected address.

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

4 (iii) Any other information the department finds necessary
5 to implement this act.

6 (iv) A statement of the individual's duty to notify a proba-
7 tion or parole officer or the department of an address change.

8 (b) A recent photograph of the individual.

9 (2) The court, law enforcement agency, probation or parole
10 officer, or the department of corrections shall prepare the reg-
11 istration or notice of address change. The individual shall sign
12 the registration or notice. An individual shall not knowingly
13 provide false or misleading information concerning a registration
14 or notice.

15 (3) The department shall prescribe the form for a notifica-
16 tion required under section 4(2).

17 Sec. 7. (1) Except as provided in subsection (2), an indi-
18 vidual required to register under this act who willfully violates
19 this act is guilty of a felony punishable by imprisonment for not
20 more than 4 years or a fine of not more than \$2,000.00, or both.

21 (2) If an individual registered under section 4(1)(d) will-
22 fully violates this act, the juvenile division of the probate
23 court may order the individual to comply with section 4(2) for
24 not more than an additional 5 years.

25 (3) The court shall revoke the probation of an individual
26 placed on probation who willfully violates this act.

1 (4) The court shall revoke the youthful trainee status of an
2 individual assigned to youthful trainee status who willfully
3 violates this act.

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

6 Sec. 8. Except as provided in this act, a registration is
7 confidential and shall not be open to inspection except for law
8 enforcement purposes. The registration and all included materi-
9 als are exempt from disclosure pursuant to section 13 of the
10 freedom of information act, Act No. 442 of the Public Acts of
11 1976, being section 15.243 of the Michigan Compiled Laws.