



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 41 (as enrolled)  
 Sponsor: Senator Michael J. Bouchard  
 Committee: Judiciary

Date Completed: 2-9-95

### **RATIONALE**

Public Act 295 of 1994, the Sex Offenders Registration Act, which is to take effect on October 1, 1995, will require the registration of persons convicted of, or placed on youthful trainee status for, a "listed offense" and juveniles for whom the juvenile court has entered an order of disposition for a listed offense. The definition of "listed offense" refers to specific sex offenses, an attempt or conspiracy to commit them, or substantially similar offenses committed out of State. The Act also contains language to require the registration of a person convicted of a particular offense whose probation or parole was transferred to Michigan; the offense cited in this provision, however, refers to an attempt or conspiracy, rather than to an out-of-state conviction. Many feel that this reference should be corrected before the Act takes effect in October.

### **CONTENT**

The bill would amend the Sex Offenders Registration Act, which is to take effect on October 1, 1995, to specify that a person who was domiciled or temporarily resided in Michigan for 14 days or more would be required to register under the Act if he or she had been convicted under a law of the United States, any state, or any country of an offense that was substantially similar to a "listed offense" on or before October 1, 1995, who, on that date, was on probation or parole that had been transferred to Michigan, or whose probation or parole was transferred to Michigan after October 1, 1995. The bill would take effect on October 1, 1995.

"Listed offense" under the Sex Offenders Registration Act means any of the following:

- Accosting, enticing, or soliciting a child for immoral purposes (MCL 750.145a and

750.145b).

- Involvement in child sexually abusive activity or material (MCL 750.145c).
- A third or subsequent violation of any combination of the following: engaging in indecent or obscene conduct in a public place (MCL 750.167(f)), indecent exposure (MCL 750.335a), or a local ordinance substantially corresponding to either of those offenses.
- Criminal sexual conduct (CSC) in the first, second, third, or fourth degree (MCL 750.520b, 750.520c, 750.520d, and 750.520e).
- Assault with intent to commit CSC (MCL 750.520g).
- An attempt or conspiracy to commit an offense enumerated above.
- An offense substantially similar to a listed offense under the laws of the United States, any other state, or any country.

MCL 28.723

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill is necessary to give the Sex Offenders Registration Act the full effect that was envisioned when it was passed by the Legislature last year. It simply would make a technical correction to clarify that the registration requirement would apply to those convicted of sex-related offenses in other states when their parole or probation was transferred to Michigan.

Legislative Analyst: P. Affholter

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.