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SFA**BILL ANALYSIS**

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Senate Bill 669 (Substitute S-1)

Sponsor: Senator Michael J. Bouchard

Committee: Families, Mental Health and Human Services

Date Completed: 10-15-97

CONTENT

The bill would amend the Sex Offenders Registration Act to require that, on the 15th day of each month, the Department of State Police mail a verification form to each individual registered under the Act. The bill also would amend provisions concerning the disclosure of information about registrations under the Act.

Verification

The proposed verification form would have to be sent by first class mail to a person's registered address and could not be forwardable. The registered person would have to complete the verification form and sign and return it within five days after receiving the form. A registered person would have to pay to the Department the actual expenses of verifying his or her address. Prior to the bill's effective date, the Department would have to notify all registered individuals of the bill's requirements.

The Act requires that the registration form contain a statement explaining the duty of a registered person to provide notice of a change of address and the procedures for providing that notice. The bill would require that the written statement also explain the address verification procedures.

The bill also specifies that sheriff's departments and local law enforcement agencies would be "encouraged" to verify addresses of people registered under the Act, check compliance with the Act, and report to the Department of State Police any errors or discrepancies in the registration or compilation of the registry.

Disclosure

Under the Act, a registration is confidential, is not open to inspection except for law enforcement purposes, and is exempt from disclosure under the Freedom of Information Act. The Sex Offenders Registration Act also provides, however, for a compilation of the registry, sorted by zip codes, to be made available for public inspection through State Police posts, local law enforcement agencies, and sheriffs' departments.

The Act specifies criminal penalties and civil remedies for the disclosure of information in the registry, but provides that those penalties and remedies do not apply to the compilation made available through police agencies. The bill would add that a person would not have any other cause of action against another person for disclosure of registry information from that compilation, unless that other person acted with gross negligence or in bad faith.

The bill also specifies that, except for duties imposed under the Act on the Department of State Police, local law enforcement agencies, and sheriffs' departments, the Act would not impose a duty on any person to disclose information from the compilation. A person would not have a civil action

against another person for failure to disclose information from the compilation unless that other person had a duty to disclose.

MCL 28.725 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The Department of State Police would incur considerable expense in notifying by first class mail each of the 17,836 (as of September 13, 1997) persons registered under the Act on a monthly basis. This would require over 214,000 pieces of mail each year to be sent out by the Department, followed by the processing of information received in return from the registered individuals and any address verification that may be performed. While the bill states that the individual registered under the Act would have to pay the Department for the expense of address verification, there is no method prescribed in the bill for this to be done.

Local law enforcement agencies and sheriff's departments also could incur additional expense under the bill to the extent they chose to verify the addresses of registered individuals, monitor compliance with the Act, and report errors or discrepancies in the registry, all of which would be encouraged, but not required under the bill.

Fiscal Analyst: B. Baker

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