

SUBSTITUTE FOR  
SENATE BILL NO. 669

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending sections 1, 2, 3, 4, 5, 7, 9, and 10 (MCL 28.721,  
28.722, 28.723, 28.724, 28.725, 28.727, 28.729, and 28.730),  
section 3 as amended by 1995 PA 10 and sections 7 and 10 as  
amended by 1996 PA 494, and by adding section 5a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3       Sec. 2. As used in this act:

4       (a) "Convicted" means 1 of the following:

5       (i) Having a judgment of conviction or a probation order  
6 entered in a court having jurisdiction over criminal offenses,  
7 including a conviction subsequently set aside ~~pursuant to Act~~  
8 ~~No. 213 of the Public Acts of 1965, being sections 780.621 to~~

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1 ~~780.624 of the Michigan Compiled Laws~~ UNDER 1965 PA 213,  
2 MCL 780.621 TO 780.624.

3 (ii) Being assigned to youthful trainee status ~~pursuant to~~  
4 UNDER sections 11 to 15 of chapter II of the code of criminal  
5 procedure, ~~Act No. 175 of the Public Acts of 1927, being sec-~~  
6 ~~tions 762.11 to 762.15 of the Michigan Compiled Laws~~ 1927 PA  
7 175, MCL 762.12 TO 762.15.

8 (iii) Having ~~a~~ AN ORDER OF disposition entered ~~pursuant~~  
9 ~~to~~ UNDER section 18 of chapter XIIA of ~~Act No. 288 of the~~  
10 ~~Public Acts of 1939, being section 712A.18 of the Michigan~~  
11 ~~Compiled Laws~~ 1939 PA 288, MCL 712A.18, that is open to the gen-  
12 eral public ~~pursuant to~~ UNDER section 28 of chapter XIIA of  
13 ~~Act No. 288 of the Public Acts of 1939, being section 712A.28 of~~  
14 ~~the Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.28.

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

16 (C) "FELONY" MEANS AN OFFENSE THAT IS PUNISHABLE BY IMPRIS-  
17 ONMENT FOR MORE THAN 1 YEAR OR AN OFFENSE EXPRESSLY DESIGNATED BY  
18 LAW AS A FELONY.

19 (D) ~~(c)~~ "Local law enforcement agency" means the police  
20 department of a municipality.

21 (E) ~~(d)~~ "Listed offense" means any of the following:

22 (i) A violation of section 145a, 145b, or 145c of the  
23 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
24 ~~being sections 750.145a, 750.145b, and 750.145c of the Michigan~~  
25 ~~Compiled Laws~~ 1931 PA 328, MCL 750.145A, 750.145B, AND 750.145C.

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

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1 (A) Section 167(1)(f) of ~~Act No. 328 of the Public Acts of~~  
2 ~~1931, being section 750.167 of the Michigan Compiled Laws~~ THE  
3 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167.

4 (B) Section 335a of ~~Act No. 328 of the Public Acts of 1931,~~  
5 ~~being section 750.335a of the Michigan Compiled Laws~~ THE  
6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A.

7 (C) A local ordinance substantially corresponding to a sec-  
8 tion described in sub-subparagraph (A) or (B).

9 (iii) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,  
10 1931 PA 328, MCL 750.349, IF THE VICTIM IS LESS THAN 18 YEARS OF  
11 AGE.

12 (iv) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,  
13 1931 PA 328, MCL 750.350.

14 (v) ~~(iii)~~ A violation of section 455 of ~~Act No. 328 of~~  
15 ~~the Public Acts of 1931, being section 750.455 of the Michigan~~  
16 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
17 MCL. 750.455.

18 (vi) ~~(iv)~~ A violation of section 520b, 520c, 520d, 520e,  
19 or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~  
20 ~~sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of~~  
21 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
22 MCL 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G.

23 (vii) ~~(v)~~ An attempt or conspiracy to commit an offense  
24 described in subparagraphs (i) to ~~(iv)~~ (vi).

25 (viii) ~~(vi)~~ An offense substantially similar to an offense  
26 described in subparagraphs (i) to ~~(v)~~ (vii) under a law of the

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1 United States, any state, or any country OR UNDER TRIBAL OR  
2 MILITARY LAW.

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

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

7 Sec. 3. (1) ~~The~~ SUBJECT TO SUBSECTION (2), THE following  
8 individuals who are domiciled or temporarily reside in this state  
9 for 14 days or more are required to be registered under this  
10 act:

11 (a) An individual ~~who is~~ convicted of a listed offense  
12 after October 1, 1995.

13 (b) An individual convicted of a listed offense on or before  
14 October 1, 1995 who on October 1, 1995 is on probation or parole,  
15 committed to jail, committed to the jurisdiction of the depart-  
16 ment of corrections, or under the jurisdiction of the juvenile  
17 division of the probate court or the department of social serv-  
18 ices for that offense or who is placed on probation or parole,  
19 committed to jail, committed to the jurisdiction of the depart-  
20 ment of corrections, ~~or~~ placed under the jurisdiction of the  
21 juvenile division of the probate court or FAMILY DIVISION OF CIR-  
22 CUIT COURT, OR COMMITTED TO the department of social services OR  
23 FAMILY INDEPENDENCE AGENCY after October 1, 1995 for that  
24 offense.

25 (c) An individual convicted of an offense described in  
26 ~~section 2(d)(vi)~~ SECTION 2(D)(viii) on or before October 1,  
27 1995 who on October 1, 1995 is on probation or parole that has

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1 been transferred to this state for that offense or whose  
2 probation or parole is transferred to this state after October 1,  
3 1995 for that offense.

4 (2) AN INDIVIDUAL CONVICTED OF AN OFFENSE ADDED ON JANUARY  
5 1, 1998 TO THE DEFINITION OF LISTED OFFENSE IS NOT REQUIRED TO BE  
6 REGISTERED SOLELY BECAUSE OF THAT LISTED OFFENSE UNLESS 1 OF THE  
7 FOLLOWING APPLIES:

8 (A) THE INDIVIDUAL IS CONVICTED OF THAT LISTED OFFENSE AFTER  
9 JANUARY 1, 1998.

10 (B) ON JANUARY 1, 1998, THE INDIVIDUAL IS ON PROBATION OR  
11 PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDICTION OF THE  
12 DEPARTMENT OF CORRECTIONS, UNDER THE JURISDICTION OF THE FAMILY  
13 DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE FAMILY INDEPEN-  
14 DENCE AGENCY FOR THAT OFFENSE OR THE INDIVIDUAL IS PLACED ON PRO-  
15 BATION OR PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDIC-  
16 TION OF THE DEPARTMENT OF CORRECTIONS, PLACED UNDER THE JURISDIC-  
17 TION OF THE FAMILY DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE  
18 FAMILY INDEPENDENCE AGENCY AFTER JANUARY 1, 1998 FOR THAT  
19 OFFENSE.

20 (C) ON JANUARY 1, 1998, THE INDIVIDUAL IS ON PROBATION OR  
21 PAROLE FOR THAT OFFENSE WHICH HAS BEEN TRANSFERRED TO THIS STATE  
22 OR THE INDIVIDUAL'S PROBATION OR PAROLE FOR THAT OFFENSE IS  
23 TRANSFERRED TO THIS STATE AFTER JANUARY 1, 1998.

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

26 (2) For an individual convicted of a listed offense on or  
27 before October 1, 1995 who on or before October 1, 1995 is

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1 sentenced for that offense, has a disposition entered for that  
2 offense, or is assigned to youthful trainee status for that  
3 offense, the following shall register the individual by  
4 December 31, 1995:

5       (a) If the individual is on probation for the listed  
6 offense, the individual's probation officer.

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

9       (c) If the individual is under the jurisdiction of the  
10 department of corrections for the listed offense, the department  
11 of corrections.

12       (d) If the individual is on parole for the listed offense,  
13 the individual's parole officer.

14       (e) If the individual is within the jurisdiction of the  
15 juvenile division of the probate court or the department of  
16 social services ~~pursuant to~~ UNDER an order of disposition for  
17 the listed offense, the juvenile division of the probate court or  
18 the department of social services.

19       (3) ~~For~~ EXCEPT AS PROVIDED IN SUBSECTION (4), FOR an indi-  
20 vidual convicted of a listed offense on or before October 1,  
21 1995:

22       (a) If the individual is sentenced for that offense after  
23 October 1, 1995 or assigned to youthful trainee status after  
24 October 1, 1995, the probation officer shall register the indi-  
25 vidual before sentencing or assignment.

26       (b) If the individual's probation or parole is transferred  
27 to this state after October 1, 1995, the probation or parole

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1 officer shall register the individual within 14 days after the  
2 transfer.

3 (c) If the individual is placed within the jurisdiction of  
4 the ~~juvenile~~ FAMILY division of ~~the probate~~ CIRCUIT court or  
5 COMMITTED TO the ~~department of social services pursuant to~~  
6 FAMILY INDEPENDENCE AGENCY UNDER an order of disposition entered  
7 after October 1, 1995, the ~~juvenile~~ FAMILY division of ~~the~~  
8 ~~probate~~ CIRCUIT court shall register the individual before the  
9 order of disposition is entered.

10 (4) FOR AN INDIVIDUAL CONVICTED ON OR BEFORE JANUARY 1, 1998  
11 OF AN OFFENSE THAT WAS ADDED ON JANUARY 1, 1998 TO THE DEFINITION  
12 OF LISTED OFFENSE, THE FOLLOWING SHALL REGISTER THE INDIVIDUAL:

13 (A) IF THE INDIVIDUAL IS ON PROBATION OR PAROLE ON JANUARY  
14 1, 1998 FOR THE LISTED OFFENSE, THE INDIVIDUAL'S PROBATION OR  
15 PAROLE OFFICER BY MARCH 30, 1998.

16 (B) IF THE INDIVIDUAL IS COMMITTED TO JAIL OR UNDER THE  
17 JURISDICTION OF THE DEPARTMENT OF CORRECTIONS ON JANUARY 1, 1998  
18 FOR THE LISTED OFFENSE, THE SHERIFF OR HIS OR HER DESIGNEE OR THE  
19 DEPARTMENT OF CORRECTIONS BY MARCH 30, 1998.

20 (C) IF THE INDIVIDUAL IS WITHIN THE JURISDICTION OF THE  
21 FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY INDE-  
22 PENDENCE AGENCY ON JANUARY 1, 1998 UNDER AN ORDER OF DISPOSITION  
23 FOR THE LISTED OFFENSE, THE FAMILY DIVISION OF CIRCUIT COURT OR  
24 THE FAMILY INDEPENDENCE AGENCY BY MARCH 30, 1998.

25 (D) IF THE INDIVIDUAL IS SENTENCED OR ASSIGNED TO YOUTHFUL  
26 TRAINEE STATUS FOR THAT OFFENSE AFTER JANUARY 1, 1998, THE

1 PROBATION OFFICER SHALL REGISTER THE INDIVIDUAL BEFORE SENTENCING  
2 OR ASSIGNMENT.

3 (E) IF THE INDIVIDUAL'S PROBATION OR PAROLE FOR THE LISTED  
4 OFFENSE IS TRANSFERRED TO THIS STATE AFTER JANUARY 1, 1998, THE  
5 PROBATION OR PAROLE OFFICER SHALL REGISTER THE INDIVIDUAL WITHIN  
6 14 DAYS AFTER THE TRANSFER.

7 (F) IF THE INDIVIDUAL IS PLACED WITHIN THE JURISDICTION OF  
8 THE FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY  
9 INDEPENDENCE AGENCY FOR THE LISTED OFFENSE AFTER JANUARY 1, 1998,  
10 THE FAMILY DIVISION OF CIRCUIT COURT SHALL REGISTER THE INDIVID-  
11 UAL BEFORE THE ORDER OF DISPOSITION IS ENTERED.

12 (5) ~~-(4) For an~~ AN individual convicted of a listed offense  
13 in this state after October 1, 1995, ~~the individual~~ EXCEPT AN  
14 INDIVIDUAL CONVICTED ON OR BEFORE JANUARY 1, 1998 OF AN OFFENSE  
15 ADDED ON JANUARY 1, 1998 TO THE DEFINITION OF LISTED OFFENSE,  
16 shall register before sentencing, entry of the order of disposi-  
17 tion, or assignment to youthful trainee status. The probation  
18 officer or the ~~juvenile~~ FAMILY division of ~~the probate~~  
19 CIRCUIT court shall give the individual the registration form  
20 after the individual is convicted, ~~shall~~ explain the duty to  
21 register, and ~~shall~~ accept the completed registration for pro-  
22 cessing ~~pursuant to~~ UNDER section 6. THE COURT SHALL NOT IMPOSE  
SENTENCE, ENTER THE ORDER OF DISPOSITION, OR ASSIGN THE INDIVIDUAL  
TO YOUTHFUL TRAINEE STATUS UNTIL IT DETERMINES THAT THE INDIVIDUAL'S  
REGISTRATION WAS FORWARDED TO THE DEPARTMENT AS REQUIRED UNDER  
SECTION 6.

23 (6) ~~-(5) For an~~ AN individual convicted of a listed offense  
24 in another state or country after October 1, 1995 ~~, the~~  
25 ~~individual~~ shall register with the local law enforcement agency,  
26 ~~or the state police or the~~ sheriff's department, OR THE

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1 DEPARTMENT within 14 days after becoming domiciled or temporarily  
2 residing in this state.

3       Sec. 5. (1) Within 10 days after any of the following  
4 occur, an individual required to be registered under this act  
5 shall notify the local law enforcement agency ~~in which~~ OR  
6 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE his or her new  
7 address is located ~~,~~ or the ~~state police or the sheriff's~~  
8 department of the individual's new address:

9       (a) The individual changes his or her address.

10       (b) The individual is paroled.

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

13       (2) Within 10 days after either of the following occurs, the  
14 department of corrections shall notify the local law enforcement  
15 agency ~~for~~ OR SHERIFF'S DEPARTMENT HAVING JURISDICTION OVER the  
16 area to which the individual is transferred ~~,~~ or the ~~state~~  
17 ~~police or the sheriff's~~ department of the transferred address of  
18 an individual required to be registered under this act:

19       (a) The individual is transferred to a community residential  
20 program.

21       (b) The individual is transferred into a minimum custody  
22 correctional facility of any kind, including a correctional camp  
23 or work camp.

24       (3) AN INDIVIDUAL REGISTERED UNDER THIS ACT SHALL COMPLY  
25 WITH THE VERIFICATION PROCEDURES AND PROOF OF RESIDENCE PROCE-  
26 DURES PRESCRIBED IN SECTION 5A.

1       (4) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT  
2 SHALL NOTIFY THE DEPARTMENT ON A FORM PRESCRIBED BY THE  
3 DEPARTMENT BEFORE HE OR SHE CHANGES HIS OR HER DOMICILE OR RESI-  
4 DENCE TO ANOTHER STATE. THE INDIVIDUAL SHALL INDICATE THE NEW  
5 STATE AND, IF KNOWN, THE NEW ADDRESS. THE DEPARTMENT SHALL  
6 UPDATE THE REGISTRATION AND COMPILATION DATA BASES AND PROMPTLY  
7 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AND ANY APPLICABLE  
8 SEX OFFENDER REGISTRATION AUTHORITY IN THE NEW STATE.

9       (5) ~~-(3)-~~ Except as provided in subsection ~~-(4)-~~ (6), an  
10 individual shall comply with this section for 25 years after the  
11 date of initially registering OR, IF THE INDIVIDUAL IS IN A STATE  
12 CORRECTIONAL FACILITY, FOR 10 YEARS AFTER RELEASE FROM THE STATE  
13 CORRECTIONAL FACILITY, WHICHEVER IS LONGER.

14       (6) ~~-(4)-~~ An individual shall comply with this section for  
15 life if the individual is convicted of a LISTED OFFENSE THAT IS A  
16 FELONY OR IS CONVICTED OF A second or subsequent listed offense  
17 after October 1, 1995 regardless of when ~~the first~~ ANY EARLIER  
18 listed offense was committed.

19       SEC. 5A. (1) BY JANUARY 15, 1998, THE DEPARTMENT SHALL MAIL  
20 A NOTICE TO EACH INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS NOT  
21 IN A STATE CORRECTIONAL FACILITY EXPLAINING THE INDIVIDUAL'S  
22 DUTIES UNDER THIS SECTION AND THE PROCEDURE FOR VERIFICATION.

23       (2) THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE NOTICE TO  
24 EACH INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS IN A STATE COR-  
25 RECTIONAL FACILITY, **UPON RELEASE**, EXPLAINING THE INDIVIDUAL'S DUTIES  
26 UNDER THIS SECTION AND THE PROCEDURE FOR VERIFICATION.

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1       (3) BEGINNING MARCH 1998 AND WITHIN THE FIRST 14 DAYS OF  
2 JANUARY, MARCH, MAY, JULY, SEPTEMBER, AND NOVEMBER OF EACH YEAR,  
3 AN INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS NOT INCARCERATED  
4 SHALL REPORT IN PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR  
5 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE HE OR SHE IS DOMI-  
6 CILED OR RESIDES OR TO THE DEPARTMENT POST IN OR NEAREST TO THE  
7 COUNTY WHERE HE OR SHE IS DOMICILED OR RESIDES. THE INDIVIDUAL  
8 SHALL PRESENT PROOF OF DOMICILE OR RESIDENCE AND UPDATE ANY  
9 INFORMATION THAT CHANGED SINCE REGISTRATION OR THE LAST  
10 VERIFICATION. AN OFFICER OR AUTHORIZED EMPLOYEE OF THE LAW  
11 ENFORCEMENT AGENCY, SHERIFF'S DEPARTMENT, OR DEPARTMENT POST  
12 SHALL VERIFY THE INDIVIDUAL'S ADDRESS, SIGN AND DATE A VERIFICA-  
13 TION FORM, AND GIVE A COPY OF THE FORM TO THE INDIVIDUAL. THE  
14 OFFICER OR EMPLOYEE SHALL FORWARD VERIFICATION INFORMATION TO THE  
15 DEPARTMENT BY THE LAW ENFORCEMENT INFORMATION NETWORK IN THE  
16 MANNER THE DEPARTMENT PRESCRIBES. THE DEPARTMENT SHALL REVISE  
17 THE DATA BASES MAINTAINED UNDER SECTION 8 AS NECESSARY AND SHALL  
18 INDICATE VERIFICATION IN THE COMPILATION UNDER SECTION 8(2).

19       (4) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT  
20 SHALL MAINTAIN EITHER A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE  
21 ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO  
22 257.923, OR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED  
23 UNDER 1972 PA 222, MCL 28.291 TO 28.300, WITH THE INDIVIDUAL'S  
24 CURRENT ADDRESS. THE LICENSE OR CARD MAY BE USED AS PROOF OF  
25 DOMICILE OR RESIDENCE UNDER THIS SECTION. IN ADDITION, THE OFFI-  
26 CER OR AUTHORIZED EMPLOYEE MAY REQUIRE THE INDIVIDUAL TO PRODUCE  
27 ANOTHER DOCUMENT BEARING HIS OR HER NAME AND ADDRESS, INCLUDING

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1 BUT NOT LIMITED TO VOTER REGISTRATION OR A UTILITY OR OTHER  
2 BILL. THE DEPARTMENT MAY SPECIFY OTHER SATISFACTORY PROOF OF  
3 DOMICILE OR RESIDENCE.

4 (5) IF AN INDIVIDUAL DOES NOT REPORT UNDER SUBSECTION (3),  
5 THE DEPARTMENT SHALL INVESTIGATE WHETHER THE INDIVIDUAL RESIDES  
6 AT THE REGISTERED ADDRESS AND INFORM THE APPROPRIATE LOCAL LAW  
7 ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT OF THE INVESTIGATION'S  
8 RESULTS. IF IT IS DETERMINED THAT THE INDIVIDUAL DOES NOT RESIDE  
9 AT THE REGISTERED ADDRESS, THE DEPARTMENT SHALL REVISE THE REGIS-  
10 TRATION TO REFLECT THAT FACT AND SHALL REMOVE THE ADDRESS FROM  
11 THE COMPILATION.

12 (6) LOCAL LAW ENFORCEMENT AGENCIES AND SHERIFF'S DEPARTMENTS  
13 ARE ENCOURAGED TO VERIFY ADDRESSES OF REGISTERED INDIVIDUALS,  
14 CHECK COMPLIANCE WITH THIS ACT, AND REPORT ERRORS OR DISCREPAN-  
15 CIES IN THE REGISTRATION OR THE COMPILATION UNDER SECTION 8(2) TO  
16 THE DEPARTMENT.

17 (7) THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR THE NOTICES  
18 AND VERIFICATION PROCEDURES REQUIRED UNDER THIS SECTION.

19 Sec. 7. (1) A registration under this act shall be made on  
20 a form provided by the department and shall be forwarded to the  
21 department in the format the department prescribes. A registra-  
22 tion shall contain all of the following:

23 (a) The individual's name, social security number, date of  
24 birth, and address or expected address. AN INDIVIDUAL WHO IS IN  
25 A WITNESS PROTECTION AND RELOCATION PROGRAM IS ONLY REQUIRED TO  
26 USE THE NAME AND IDENTIFYING INFORMATION REFLECTING HIS OR HER  
27 NEW IDENTITY IN A REGISTRATION UNDER THIS ACT. An individual

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1 registered under this act before ~~the effective date of the 1996~~  
2 ~~amendatory act that amended this section~~ APRIL 1, 1997 shall  
3 provide the department with his or her date of birth upon the  
4 department's request.

5 (b) A brief summary of the individual's convictions for  
6 listed offenses REGARDLESS OF WHEN THE CONVICTION OCCURRED,  
7 including where the offense occurred and the original charge if  
8 the conviction was for a lesser offense.

9 (c) A complete physical description of the individual.

10 (2) A registration may contain the following:

11 (a) The individual's blood type and whether a DNA identifi-  
12 cation profile of the individual is available.

13 (b) A recent photograph of the individual.

14 (3) The form used for registration under this act shall con-  
15 tain a written statement that explains the duty of the individual  
16 being registered to provide notice of a change of address under  
17 section 5, ~~and~~ the procedures for providing that notice, AND  
18 THE VERIFICATION PROCEDURES UNDER SECTION 5A.

19 (4) The individual may sign the registration or notice.

20 (5) The officer, court, or an employee of the agency regis-  
21 tering the individual or receiving or accepting a registration  
22 under section 4 shall sign the registration form.

23 (6) An individual shall not knowingly provide false or mis-  
24 leading information concerning a registration, ~~or~~ notice, OR  
25 VERIFICATION.

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1 (7) The department shall prescribe the form for a  
2 notification required under section 5 and the format for  
3 forwarding the notification to the department.

4 Sec. 9. (1) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (2), AN  
5 individual required to be registered under this act who willfully  
6 violates this act is guilty of a felony punishable by imprison-  
7 ment for not more than 4 years or a fine of not more than  
8 \$2,000.00, or both.

9 (2) AN INDIVIDUAL WHO FAILS TO COMPLY WITH SECTION 5A IS  
10 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
11 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

12 (3) ~~-(2)-~~ The court shall revoke the probation of an indi-  
13 vidual placed on probation who willfully violates this act.

14 (4) ~~-(3)-~~ The court shall revoke the youthful trainee status  
15 of an individual assigned to youthful trainee status who will-  
16 fully violates this act.

17 (5) ~~-(4)-~~ The parole board shall rescind the parole of an  
18 individual released on parole who willfully violates this act.

19 Sec. 10. (1) Except as provided in this act, a registration  
20 is confidential and shall not be open to inspection except for  
21 law enforcement purposes. The registration and all included  
22 materials and information are exempt from disclosure ~~pursuant~~  
23 ~~to~~ UNDER section 13 of the freedom of information act, ~~Act~~  
24 ~~No. 442 of the Public Acts of 1976, being section 15.243 of the~~  
25 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.243.

26 (2) A department post, local law enforcement agency, or  
27 sheriff's department shall make information from the compilation

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1 described in section 8(2) for the zip code areas located in whole  
2 or in part within the post's, agency's, or sheriff's department's  
3 jurisdiction available for public inspection during regular busi-  
4 ness hours. A department post, local law enforcement agency, or  
5 sheriff's department is not required to make a copy of the infor-  
6 mation for a member of the public.

7 (3) The department may make information from the compilation  
8 described in section 8(2) available to the public through elec-  
9 tronic, computerized, or other accessible means.

10 (4) Except as provided in this act, an individual other than  
11 the registrant who knows of a registration under this act and who  
12 divulges, uses, or publishes information concerning the registra-  
13 tion in violation of this act is guilty of a misdemeanor punish-  
14 able by imprisonment for not more than 90 days or a fine of not  
15 more than \$500.00, or both.

16 (5) An individual whose registration is revealed in viola-  
17 tion of this act has a civil cause of action against the respon-  
18 sible party for treble damages.

19 (6) Subsections (4) and (5) do not apply to the compilation  
20 described in section 8(2) or information from that compilation  
21 that is provided or made available under section 8(2) or under  
22 subsection (2) or (3). A PERSON DOES NOT HAVE ANY OTHER CAUSE OF  
23 ACTION AGAINST ANOTHER PERSON FOR DISCLOSURE OF INFORMATION FROM  
24 THAT COMPILATION THAT IS PROVIDED OR MADE AVAILABLE UNDER SECTION  
25 8(2) OR UNDER SUBSECTION (2) OR (3) UNLESS THAT OTHER PERSON  
26 ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

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1       (7) EXCEPT FOR THE DUTIES IMPOSED UNDER THIS ACT ON THE  
2 DEPARTMENT, LOCAL LAW ENFORCEMENT AGENCIES, AND SHERIFF'S  
3 DEPARTMENTS, THIS ACT DOES NOT IMPOSE A DUTY ON ANY PERSON TO  
4 DISCLOSE TO ANOTHER PERSON INFORMATION FROM THE COMPILATION  
5 DESCRIBED IN SECTION 8(2) THAT IS PROVIDED OR MADE AVAILABLE  
6 UNDER THAT SECTION OR UNDER SUBSECTION (2) OR (3). A PERSON DOES  
7 NOT HAVE A CIVIL ACTION AGAINST ANOTHER PERSON FOR FAILURE TO  
8 DISCLOSE INFORMATION FROM THAT COMPILATION THAT IS PROVIDED OR  
9 MADE AVAILABLE UNDER SECTION 8(2) OR UNDER SUBSECTION (2) OR (3)  
10 UNLESS THAT OTHER PERSON HAD A DUTY TO DISCLOSE.

11       Enacting section 1. This amendatory act takes effect  
12 January 1, 1998.