

# SENATE BILL No. 1355

May 22, 2002, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending sections 2 and 5a (MCL 28.722 and 28.725a), section 2  
as amended and section 5a as added by 1999 PA 85.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. As used in this act:

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

3       (i) Having a judgment of conviction or a probation order  
4 entered in any court having jurisdiction over criminal offenses,  
5 including but not limited to, a tribal court or a military court,  
6 and including a conviction subsequently set aside under 1965 PA  
7 213, MCL 780.621 to 780.624.

8       (ii) Being assigned to youthful trainee status under  
9 sections 11 to 15 of chapter II of the code of criminal  
10 procedure, 1927 PA 175, MCL 762.12 to 762.15.

1       (iii) Having an order of disposition entered under section  
2 18 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,  
3 MCL 712A.18, that is open to the general public under section 28  
4 chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,  
5 MCL 712A.28.

6       (iv) Having an order of disposition or other adjudication in  
7 a juvenile matter in another state or country.

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

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

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

12       (i) A violation of section 145a, 145b, ~~or~~ 145c, OR 145D of  
13 the Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b,  
14 ~~and~~ 750.145c, AND 750.145D.

15       (ii) A violation of section 158 of the Michigan penal code,  
16 1931 PA 328, MCL 750.158, if a victim is an individual less than  
17 18 years of age.

18       (iii) A third or subsequent violation of any combination of  
19 the following:

20       (A) Section 167(1)(f) of the Michigan penal code, 1931 PA  
21 328, MCL 750.167.

22       (B) Section 335a of the Michigan penal code, 1931 PA 328,  
23 MCL 750.335a.

24       (C) A local ordinance of a municipality substantially corre-  
25 sponding to a section described in sub-subparagraph (A) or (B).

26       (iv) Except for a juvenile disposition or adjudication, a  
27 violation of section 338, 338a, or 338b of the Michigan penal

1 code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a  
2 victim is an individual less than 18 years of age.

3 (v) A violation of section 349 of the Michigan penal code,  
4 1931 PA 328, MCL 750.349, if a victim is an individual less than  
5 18 years of age.

6 (vi) A violation of section 350 of the Michigan penal code,  
7 1931 PA 328, MCL 750.350.

8 (vii) A violation of section 448 of the Michigan penal code,  
9 1931 PA 328, MCL 750.448, if a victim is an individual less than  
10 18 years of age.

11 (viii) A violation of section 455 of the Michigan penal  
12 code, 1931 PA 328, MCL 750.455.

13 (ix) A violation of section 520b, 520c, 520d, 520e, or 520g  
14 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,  
15 750.520d, 750.520e, and 750.520g.

16 (x) Any other violation of a law of this state or a local  
17 ordinance of a municipality that by its nature constitutes a  
18 sexual offense against an individual who is less than 18 years of  
19 age.

20 (xi) An offense committed by a person who was, at the time  
21 of the offense, a sexually delinquent person as defined in sec-  
22 tion 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

23 (xii) An attempt or conspiracy to commit an offense  
24 described in subparagraphs (i) to (xi).

25 (xiii) An offense substantially similar to an offense  
26 described in subparagraphs (i) to (xii) under a law of the United

1 States, any state, or any country or under tribal or military  
2 law.

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

5 (f) "Residence", as used in this act, for registration and  
6 voting purposes means that place at which a person habitually  
7 sleeps, keeps his or her personal effects, and has a regular  
8 place of lodging. If a person has more than 1 residence, or if a  
9 wife has a residence separate from that of the husband, that  
10 place at which the person resides the greater part of the time  
11 shall be his or her official residence for the purposes of this  
12 act. This section shall not be construed to affect existing  
13 judicial interpretation of the term residence.

14 (g) "Student" means an individual enrolled on a full- or  
15 part-time basis in a public or private educational institution,  
16 including but not limited to a secondary school, trade school,  
17 professional institution, or institution of higher education.

18 Sec. 5a. (1) Not later than September 1, 1999, the depart-  
19 ment shall mail a notice to each individual registered under this  
20 act who is not in a state correctional facility explaining the  
21 individual's duties under this section and this act as amended  
22 and the procedure for registration, notification, and  
23 verification.

24 (2) Upon the release of an individual registered under this  
25 act who is in a state correctional facility, the department of  
26 corrections shall provide written notice to that individual  
27 explaining his or her duties under this section and this act as

1 amended and the procedure for registration, notification, and  
2 verification. The individual shall sign and date the notice.  
3 The department of corrections shall maintain a copy of the signed  
4 and dated notice in the individual's file. The department of  
5 corrections shall forward the original notice to the department  
6 within 30 days, regardless of whether the individual signs it.

7 (3) Not later than January 15, 2000, an individual regis-  
8 tered under this act who is not incarcerated shall report in  
9 person to the local law enforcement agency or sheriff's depart-  
10 ment having jurisdiction where he or she is domiciled or resides  
11 or to the department post in or nearest to the county where he or  
12 she is domiciled or resides. The individual shall present proof  
13 of domicile or residence and update any information that changed  
14 since registration. An individual registered under this act who  
15 is incarcerated on January 15, 2000 shall report under this sub-  
16 section not less than 10 days after he or she is released.

17 (4) Following initial verification under subsection (3), or  
18 registration under this act after January 15, 2000, an individual  
19 required to be registered under this act who is not incarcerated  
20 shall report in person to the local law enforcement agency or  
21 sheriff's department having jurisdiction where he or she is domi-  
22 ciled or resides or to the department post in or nearest to the  
23 county where he or she is domiciled or resides for verification  
24 of domicile or residence as follows:

25 (a) If the person is registered only for 1 or more misde-  
26 meanor listed offenses, not earlier than January 1 or later than  
27 January 15 of each year after the initial verification or

1 registration. As used in this subdivision, "misdemeanor listed  
2 offense" means a listed offense that is any of the following:

3 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,  
4 1931 PA 328, MCL 750.145A, COMMITTED BEFORE JUNE 1, 2002.

5 (ii) ~~-(i)-~~ A violation of section ~~145a,~~ 145c(4),  
6 167(1)(f), or 448 of the Michigan penal code, 1931 PA 328, MCL  
7 ~~750.145a,~~ 750.145c, 750.167, and 750.448.

8 (iii) ~~-(ii)-~~ A violation of section 335a of the Michigan  
9 penal code, 1931 PA 328, MCL 750.335a, other than a violation  
10 committed by a person who was, at the time of the offense, a sex-  
11 ually delinquent person as defined in section 10a of the Michigan  
12 penal code, 1931 PA 328, MCL 750.10a.

13 (iv) ~~-(iii)-~~ A violation of a local ordinance of a munici-  
14 pality substantially corresponding to a section described in sub-  
15 paragraph (i), ~~or~~ (ii), OR (iii).

16 (v) A VIOLATION OF SECTION 145D(1)(A) OF THE MICHIGAN PENAL  
17 CODE, 1931 PA 328, MCL 750.145D, THAT INVOLVES COMMITTING,  
18 ATTEMPTING TO COMMIT, CONSPIRING TO COMMIT, OR SOLICITING ANOTHER  
19 PERSON TO COMMIT AN OFFENSE THAT BY ITS NATURE CONSTITUTES A  
20 SEXUAL OFFENSE AGAINST AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF  
21 AGE OR WHO IS BELIEVED BY THAT PERSON TO BE LESS THAN 18 YEARS OF  
22 AGE, AND THAT IS PUNISHABLE UNDER SECTION 145D(2)(A) OF THE  
23 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145D.

24 (vi) ~~-(iv)-~~ A violation of a law of this state or a local  
25 ordinance of a municipality that by its nature constitutes a  
26 sexual offense against an individual who is less than 18 years of

1 age if the violation is not specifically designated a felony and  
2 is punishable by imprisonment for 1 year or less.

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

5 (viii) ~~-(vi)-~~ An offense substantially similar to an offense  
6 described in subparagraphs (i) to ~~-(v)-~~ (vii) under a law of the  
7 United States, any state, or any country or under tribal or mili-  
8 tary law.

9 (b) If the person is registered for 1 or more felony listed  
10 offenses, not earlier than the first day or later than the fif-  
11 teenth day of each April, July, October, and January following  
12 initial verification or registration. As used in this subdivi-  
13 sion, "felony listed offense" means a listed offense that is any  
14 of the following:

15 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,  
16 1931 PA 328, MCL 750.145A, COMMITTED ON OR AFTER JUNE 1, 2002.

17 (ii) ~~-(i)-~~ A violation of section 145b, 145c(2) or (3), 349,  
18 350, 455, 520b, 520c, 520d, 520e, or 520g of the Michigan penal  
19 code, 1931 PA 328, MCL 750.145b, 750.145c, 750.349, 750.350,  
20 750.455, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

21 (iii) ~~-(ii)-~~ A violation of section 335a of the Michigan  
22 penal code, 1931 PA 328, MCL 750.335a, committed by a person who  
23 was, at the time of the offense, a sexually delinquent person as  
24 defined in section 10a of the Michigan penal code, 1931 PA 328,  
25 MCL 750.10a.

26 (iv) A VIOLATION OF SECTION 145D(1)(A) OF THE MICHIGAN PENAL  
27 CODE, 1931 PA 328, MCL 750.145D, THAT INVOLVES COMMITTING,

1 ATTEMPTING TO COMMIT, CONSPIRING TO COMMIT, OR SOLICITING ANOTHER  
2 PERSON TO COMMIT AN OFFENSE THAT BY ITS NATURE CONSTITUTES A  
3 SEXUAL OFFENSE AGAINST AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF  
4 AGE OR WHO IS BELIEVED BY THAT PERSON TO BE LESS THAN 18 YEARS OF  
5 AGE, AND THAT IS PUNISHABLE UNDER SECTION 145D(2)(B) TO (F) OF  
6 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145D.

7 (v) ~~-(iii)-~~ A violation of a law of this state that by its  
8 nature constitutes a sexual offense against an individual who is  
9 less than 18 years of age if the violation is specifically desig-  
10 nated a felony or is punishable by imprisonment for more than 1  
11 year.

12 (vi) ~~-(iv)-~~ An attempt or conspiracy to commit an offense  
13 described in subparagraphs (i) to ~~-(iii)-~~ (v).

14 (vii) ~~-(v)-~~ An offense substantially similar to an offense  
15 described in subparagraphs (i) to ~~-(iv)-~~ (vi) under a law of the  
16 United States, any state, or any country or under tribal or mili-  
17 tary law.

18 (5) When an individual reports under subsection (3) or (4),  
19 an officer or authorized employee of the law enforcement agency,  
20 sheriff's department, or department post shall verify the  
21 individual's residence or domicile. The officer or authorized  
22 employee shall sign and date a verification form. The officer  
23 shall give a copy of the signed form showing the date of verifi-  
24 cation to the individual. The officer or employee shall forward  
25 verification information to the department by the law enforcement  
26 information network in the manner the department prescribes. The  
27 department shall revise the data bases maintained under section 8



1 as necessary and shall indicate verification in the compilation  
2 under section 8(2).

3       (6) An individual required to be registered under this act  
4 shall maintain either a valid operator's or chauffeur's license  
5 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
6 257.923, or an official state personal identification card issued  
7 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's  
8 current address. The license or card may be used as proof of  
9 domicile or residence under this section. In addition, the offi-  
10 cer or authorized employee may require the individual to produce  
11 another document bearing his or her name and address, including  
12 but not limited to voter registration or a utility or other  
13 bill. The department may specify other satisfactory proof of  
14 domicile or residence.

15       (7) Not earlier than January 1, 2000 or later than January  
16 15, 2000, an individual registered under this act who is not  
17 incarcerated shall report in person to a secretary of state  
18 office and have his or her digitized photograph taken. An indi-  
19 vidual registered under this act who is incarcerated on January  
20 15, 2000 shall report under this subsection not less than 10 days  
21 after he or she is released. The individual is not required to  
22 report under this subsection if he or she had a digitized photo-  
23 graph taken for an operator's or chauffeur's license or official  
24 state personal identification card before January 1, 2000, or  
25 within 2 years before he or she is released. The photograph  
26 shall be used on the individual's operator's or chauffeur's  
27 license or official state personal identification card. The

1 individual shall have a new photograph taken when he or she  
2 renews the license or identification card as provided by law.  
3 The secretary of state shall make the digitized photograph avail-  
4 able to the department for a registration under this act.

5 (8) If an individual does not report under subsection (3) or  
6 (4), the department shall notify the local law enforcement  
7 agency. An appearance ticket may be issued for the individual's  
8 failure to report as provided in sections 9a to 9g of chapter IV  
9 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to  
10 764.9g.

11 (9) The department shall prescribe the form for the notices  
12 and verification procedures required under this section.