



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 5195 (Substitute H-1 as reported without amendment)
Sponsor: Representative Matt Milosch
House Committee: Criminal Justice
Senate Committee: Families and Human Services

Date Completed: 3-18-04

RATIONALE

The Sex Offenders Registration Act requires people who have been convicted of certain sex crimes to register information about their identities, addresses, and convictions with the State Police or local law enforcement agencies. The Michigan State Police (MSP) must maintain a computerized data base of registrations under the Act. The MSP also must maintain a separate computerized data base that consists of a compilation of individuals registered under the Act (except for some registered for certain dispositions under the juvenile code). An MSP post, local law enforcement agency, or sheriff's department must make information in the compilation available for public inspection during regular business hours, and the MSP may make it available to the public through electronic, computerized, or other accessible means.

The compilation must be indexed by zip code area. Within each area, it must contain the name, aliases, physical description, and birth date of each registered individual who is included in the compilation and resides in that zip code area, and any listed offense of which the individual has been convicted. It has been suggested that including a photograph of each individual on the public registry could enhance public safety by giving residents additional information to identify a potentially dangerous sex offender.

CONTENT

The bill would amend the Sex Offenders Registration Act to require the MSP to include the photograph of each individual registered under the Act in the public sex offender registry. The bill would take effect on May 1, 2005.

The MSP would have to obtain the photographs submitted under Section 5a of the Act from the Secretary of State (SOS) for the purpose of implementing this requirement. (Under Section 5a, between January 1, 2000, and January 15, 2000, an individual registered under the Act who was not incarcerated was required to report in person to the SOS and have his or her digitized photo taken for use on his or her operator's or chauffeur's license or official State personal identification card. A registered individual who was incarcerated on January 15, 2000, must report to the SOS within 10 days after his or her release.)

MCL 28.728

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 would make the registry more effective in its purpose, which is informing residents of the proximity of sex offenders, by providing individuals and families with the visual information they need to protect themselves and their children. According to testimony before the Senate Committee on Families and Human Services, 30 other states have photo identification on their registries. In addition to aiding residents in protecting their children, the photographs could be a deterrent to would-be sex offenders. The bill also could help ensure that an innocent person with the same or a similar name would not be mistaken for a registered sex offender.

Opposing Argument

The public sex offender registry contains hundreds of people who are not sexual predators whom the public should fear. For example, teen-aged boys who engage in consensual sex with their underage girlfriends and are then prosecuted must register, just like true sex offenders. These young people, who are not dangerous to the general public, often face the devastating consequences of publicly being labeled a sex offender, such as lifetime stigmatization, suspicion or hostility from neighbors, difficulty finding steady employment, and, when they get older, an inability to be involved in their children's school activities, sports teams, or other extracurricular activities. A child could be horrified to discover his or her father's picture on the Internet, especially if the "victim" of the crime were the child's mother. It would be inappropriate and unfair to include photographs while the registry contains so many people who are not sexual predators. Hundreds of people already have been victimized through an overzealous effort to defend communities from sex offenders. Until the registry is narrowed to include only those individuals who truly are dangerous, photographs should not be included.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of State Police. Although the bill would make adjustments to the Sex Offenders Registration Act, the Department already has the organization and resources to handle the changes.

Fiscal Analyst: Bruce Baker

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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.