

Legislative Analysis



SEX OFFENDERS: E-MAIL NOTIFICATION

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Senate Bill 128 with House Committee amendment

Sponsor: Sen. Alan Sanborn

House Committee: Judiciary

Senate Committee: Judiciary

First Analysis (2-1-06)

BRIEF SUMMARY: The bill would allow subscribers to receive e-mail notifications whenever a registered sex offender moved into their zip code.

FISCAL IMPACT: Since it is unknown how many electronic or computerized notifications that law enforcement agencies would make and how much this would cost the agencies, the bill would have indeterminate costs for state and local government.

THE APPARENT PROBLEM:

People who have been convicted of certain sex crimes must register information about their identities, addresses, and convictions with the Michigan State Police (MSP) or local law enforcement agencies. The MSP maintains a sex offenders registry database accessible only for law enforcement purposes and also a public sex offenders registry (PSOR). Any person can go to an MSP post, police department, or sheriff's department and view the public list of registered offenders residing in that zip code. The PSOR can also be viewed on the Internet and is searchable by zip code. Whenever an individual required to be listed on the registry moves, he or she is required to re-register with the local law enforcement agency, and the law enforcement database and PSOR database are subsequently updated to reflect the offender's new address.

Unless a person regularly checks the Internet site or travels to the nearest law enforcement agency to view the PSOR for that zip code, he or she is unlikely to know if a registered sex offender has recently moved into the neighborhood. Some people feel that it would be helpful if the MSP offered a service by which interested parties could receive electronic updates via e-mail whenever a person required to be on the registry relocated into their zip code.

THE CONTENT OF THE BILL:

The bill would amend the Sex Offenders Registration Act (MCL 28.730) to require the Michigan State Police to develop a subscriber system under which members of the public who were subscribers would be notified by electronic or computerized means when a registered sex offender initially registered under the act at a location within a zip code area that they had designated or changed his or her registration to such a location. A person would have to subscribe in a manner required by the department. The bill would take effect January 1, 2007.

HOUSE COMMITTEE ACTION:

The House Committee on Judiciary added an effective date.

BACKGROUND INFORMATION:

The bill is virtually identical to House Bill 4721, which passed the House on 12-8-05.

ARGUMENTS:

For:

Many see the Public Sex Offenders Registry (PSOR) as an important public safety tool. It is believed that a person or child can take better steps to protect his or her own safety if aware of the criminal history of people living in the neighborhood. For instance, some women have reported that they might be more diligent to lock doors and windows at night if they were aware that a person convicted of a sex crime lived across the street.

Though information on the PSOR is open to the public, a person must either travel to a local law enforcement agency or go to the MSP's Internet site in order to learn if a registered person lives in that zip code. The only way to keep up to date is to check on a regular basis. The bill would simplify the process by requiring the Michigan State Police to create a computerized system by which subscribers to the service could be notified by e-mail whenever a person required to be registered as a sex offender moved into their zip code. It is hoped that such a system will avert incidents such as the one in which a community discovered a school bus stop was scheduled to be placed in front of a home into which a registered sex offender had recently moved because those in charge had not recently checked the PSOR database.

Against:

The thrust of the bill seems simple – make already public information easier to access. However, it underscores the problems inherent in the Sex Offenders Registration Act and the registry as a whole. Many of the people currently required to be listed in the registry do not pose a threat to the public. Although some (thanks to recent legislative changes) are able to petition the courts for a reduced period of registration because they had been sentenced under the Holmes Youthful Trainee Act, not all youthful offenders are prosecuted under HYTA provisions. Indeed, many names on the list represent people who as young teens had consensual sex with boyfriends and girlfriends or who had engaged in unwise, but not predatory, behaviors and who now pose no risk of reoffending. For those people, changes to the notification system such as the addition of photographs and the changes proposed by the bill make it difficult to rebuild and maintain a productive life in light of the public's tendency to lump all registrants together as either pedophiles or serial rapists.

Furthermore, without a wholesale cleanup of the registration act and better enforcement of registration requirements, the bill promotes a false sense of security. Recent media news articles have reported that the MSP has lost track of more than 2,400 convicted sex

offenders statewide, and another 5,941 sex offenders have failed to confirm their addresses with their local law enforcement agencies as required by the law. The current registration requirements have created an unwieldy monster of a system (almost 40,000 required to register) that the department cannot possibly monitor effectively.

Moreover, the bill would not require notification when a registered offender moved out of the neighborhood and is unclear as to whether there would be a notification when a person required to be on the registry changed addresses within the same zip code. Failure to do that could subject new homeowners or apartment dwellers to undue harassment or prejudice by those who look only at an address and not at the occupants of the dwelling.

POSITIONS:

The Department of State Police is neutral on the bill. (2-1-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.