

Legislative Analysis



SEX OFFENDERS: REQUIRE DOC TO NOTIFY LOCAL LAW ENFORCEMENT BEFORE RELEASING PRISONER

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House Bills 5193 and 5194
Sponsor: Rep. Rick Baxter
Committee: Judiciary

Complete to 5-30-06

A SUMMARY OF HOUSE BILLS 5193 AND 5194 AS INTRODUCED 9-20-06

Currently, when an individual is convicted of a crime that requires registration as a sex offender, he or she must register before sentencing, before entry of the order of disposition (juveniles), or assignment to youthful trainee status (persons 17-21 years old sentenced under the Holmes Youthful Trainee Act). When an individual who had been sentenced to a state correctional facility is released on parole or at the completion of his or her maximum term of imprisonment, he or she has 10 days in which to notify in person the local law enforcement agency or sheriff's department with jurisdiction where the new residence or domicile is located or to notify the Michigan State Police post where the new residence or domicile is located.

The bills would instead shift the responsibility for the notification to the Department of Corrections. The bills are tie-barred to each other, meaning that neither could take effect unless both were enacted. Specifically, the bills would do the following.

House Bill 5193 would amend the Sex Offenders Registration Act (MCL 28.725). The bill would delete the requirement that an individual notify the required authorities within 10 days of being paroled or upon final release from the jurisdiction of the Department of Corrections (DOC). Instead, the bill would require the DOC, before releasing the individual, to provide notice of the location of the individual's proposed place of residence or domicile to the sheriff's department having jurisdiction over that location or to the appropriate Department of State Police post. The bill would apply to an individual incarcerated in a state correctional facility who is required to be registered under the act and who has been granted parole or is due to be released after serving his or her maximum sentence.

House Bill 5194 would add new language to the Corrections Code (MCL 791.236) to require a prisoner who is required to be registered under the Sex Offenders Registration Act to provide to the Department of Corrections (DOC) notice of the location of his or her proposed place of residence or domicile. This would have to be done prior to the prisoners release on parole or being released upon completion of his or her maximum sentence. The DOC would then have to forward the notice of location to the appropriate law enforcement agency as required under the provision added by House Bill 5193.

FISCAL IMPACT:

The bill would appear to have no significant fiscal impact on the state or local units of government.

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