



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 128 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

(as enrolled)

Date Completed: 5-19-05

RATIONALE

The Sex Offenders Registration Act (SORA) 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 Act also requires the Michigan Department of State Police (MSP) to maintain both a computerized database of registrations and notices required under SORA, and a separate computerized database consisting of a compilation of individuals registered under SORA.

Registrations are confidential and information from them is not open to inspection, except for law enforcement purposes. An MSP post, local law enforcement agency, or sheriff's department, however, must make information from the compilation available for public inspection for the zip code areas located in whole or in part within the post's, agency's, or sheriff's jurisdiction. The Act also provides that the MSP may make information from the compilation available to the public through electronic, computerized, or other accessible means. The Department maintains a website that includes the information in the compilation (which it refers to as the "public sex offender registry"). Under amendments enacted by Public Act 238 of 2004, SORA also requires the compilation to include a photograph of each individual registered under the Act.

The availability of the public sex offender registry website and photographs of registered sex offenders on it makes registry information accessible to the general public. To glean the most up-to-date sex offender information, however, a person must take

the initiative either to view the website or request compilation information from a police agency on a frequent basis. In order to make sex offender registration information more accessible to interested citizens, some people believe that the MSP should be required to e-mail people who request updates regarding sex offender registration information pertaining to a particular zip code.

CONTENT

The bill would amend the Sex Offenders Registration Act to require the Department of State Police to notify, by electronic or computerized means, any member of the public who subscribed in a manner required by the Department, when a person subject to SORA's publicly available compilation initially registered under the Act or changed his or her sex offender registration to a location that was in a zip code area designated by the subscribing member of the public.

MCL 28.730

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 facilitate the timely notice of interested citizens regarding sex offenders living in a particular zip code. One purpose of the publicly available compilation of the sex offender registry is to arm the public with information regarding potentially dangerous sex offenders living in their

neighborhoods. Informing citizens by e-mail would be consistent with existing measures that are designed to give the public greater access to sex offender registration information, such as making the compilation available for inquiries, posting sex offender registration information on the MSP website, and including photographs of registered offenders on the website (<http://www.mipsor.state.mi.us/>). Allowing people to subscribe to the proposed e-mail notification service would give them the opportunity to receive the most up-to-date sex offender registration information for a given area, without having to view the website or make an inquiry with a law enforcement agency on a regular basis. Having that information would better enable subscribers to protect themselves and their families from potentially dangerous offenders in their communities.

Opposing Argument

Much of the information on Michigan's sex offender registry may be misleading, especially if the goal of the registry is to protect the public from sexual predators. Many of the people required to register are not, and never have been, a danger to the public. For instance, the Senate Judiciary Committee heard testimony from a woman whose husband is required to be registered for 25 years. He must affirm or update his registration information four times a year. His crime was that, at 17 years of age, he had sex with his willing 15-year-old girlfriend. The man is now 30 years old, is married, has children, and runs a business. He has no other criminal record, yet he is publicly identified as a sexual offender, leading friends and neighbors to believe they should fear him. According to his wife's testimony, this man is not allowed to coach his son's T-ball team and cannot volunteer for activities at his church because of his registration requirement.

Although reforms enacted in 2004 allow certain people previously sentenced under the Holmes Youthful Trainee Act (HYTA) to petition the court for a shorter registration period, not all people convicted for youthful indiscretions were sentenced under HYTA. Before expanding the ways that the public can get sex offender registration information quickly, the State first should narrow the registration requirement, or at least identify degrees of danger from individual registrants, in order to ensure that the

information received is meaningful and useful.

Response: While narrowing SORA's registration criteria may be needed, the bill simply addresses the dissemination of information that already is publicly available.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would require the Department of State Police to pay for additional computer capabilities not possible under the current system that serves the Sex Offenders Registration Program. To provide the electronic notification capabilities that would be required under the bill, the Department would incur approximately \$20,000 in new contracted computer programming costs. Should the Department incorporate the changes outlined in the bill into the planned establishment of a data system separate from the current Law Enforcement Information Network (LEIN) planned for the spring of 2006, the cost to provide these new services could be considerably less.

According to the Department, there have been approximately 14.9 million queries made to the sex offender's website. To support the operation of the State registry, approximately \$350,000 has been raised from the imposition of a \$35 registration fee placed on all registered sex offenders in the State. (Of the fee, \$10 goes to local units.) To date, 14,000 registrants have paid the fee and 21,000 have yet to do so. (Of those, 11,000 are currently imprisoned.)

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.