



Senate Fiscal Agency
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House Bill 5193 (Substitute H-2 as passed by the House)
House Bill 5194 (Substitute H-4 as passed by the House)
House Bill 6135 (as passed by the House)
Sponsor: Representative Rick Baxter
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 9-5-06

CONTENT

House Bill 5193 (H-2) would amend the Sex Offenders Registration Act (SORA) to require the Department of Corrections (DOC) to notify the appropriate sheriff's department or Michigan State Police (MSP) post of the proposed place of residence of an incarcerated individual who was granted parole or due to be released, before releasing the person.

House Bill 5194 (H-4) would amend the Corrections Code to require a prisoner who was required to register under SORA to notify the DOC of the location of his or her proposed place of residence before he or she was released; require the DOC to forward the notice to the appropriate law enforcement agency; and prescribe a felony penalty for a prisoner who did not notify the DOC as required.

House Bill 6135 would amend the Code of Criminal Procedure to add to the sentencing guidelines as a Class F felony against the public trust a prisoner's failure to provide the notice required by House Bill 5194 (H-4).

The bills would take effect 90 days after they were enacted. House Bills 5193 (H-2) and 5194 (H-4) are tie-barred to each other, and House Bill 6135 is tie-barred to House Bill 5194. House Bills 5193 (H-2) and 5194 (H-4) are described below in further detail.

House Bill 5193 (H-2)

Currently, an individual required to be registered under SORA must notify the local law enforcement agency or sheriff's department having jurisdiction where his or her new residence or domicile is located or the MSP post of his or her new residence or domicile within 10 days after being paroled or finally released from the DOC's jurisdiction. The bill would delete this requirement. Instead, if an individual who was incarcerated in a State correctional facility and who was required to be registered were granted parole or were due to be released upon completion of his or her maximum sentence, the DOC, before releasing him or her, would have to give notice of the location of the person's proposed place of residence or domicile to the appropriate sheriff's department or MSP post.

House Bill 5194 (H-4)

The bill would require a prisoner who was required to be registered under SORA, before being released on parole or upon completion of his or her maximum sentence, to give the

DOC notice of the location of his or her proposed place of residence or domicile. The DOC then would have to forward that notice to the appropriate law enforcement agency as required under SORA (pursuant to House Bill 5193 (H-2)).

A prisoner who refused to provide the notice or who knowingly provided an incorrect notice of the location of his or her proposed place of residence or domicile would be guilty of a felony punishable by imprisonment for up to four years and/or a maximum fine of \$2,000.

MCL 28.725 (H.B. 5193)
791.236 (H.B. 5194)
777.17f (H.B. 6135)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State government. There are no data to indicate how many offenders would be convicted of refusing to provide the location of their proposed residence or knowingly providing an incorrect location to the Department of Corrections. An offender convicted of the Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.