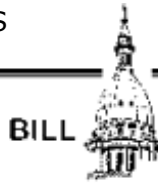




Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 5397 (Substitute S-1 as reported)
Sponsor: Representative Edward Gaffney, Jr.
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Sex Offender Registration Act (SORA) to revise provisions pertaining to a second or subsequent offense of working, loitering, or residing within a student safety zone. Under the bill, the penalty for a second or subsequent offense would apply to a person who had one or more prior *convictions*. Currently, the penalty applies for a second or subsequent *violation*. (Under provisions enacted by Public Acts 121 and 127 of 2005, which will take effect on January 1, 2006, an individual required to be registered under SORA may not work, loiter, or reside within a student safety zone (the area that lies 1,000 feet or less from school property). A first violation is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both. A second or subsequent offense is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.)

The bill also specifies that Section 34 (which contains the prohibition against working or loitering in a student safety zone) could not be construed to prohibit an individual from exercising his or her right to vote.

In addition, SORA requires a registrant periodically to report in person to a law enforcement agency to verify his or her domicile or residence. A person registered for a "misdemeanor listed offense" must report annually, while a person registered for a "felony listed offense" must register quarterly. The bill would delete the definitions of those terms, and would refer instead to listed offenses that are misdemeanors and listed offenses that are felonies.

The bill would take effect January 1, 2006.

MCL 28.725a et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of second or subsequent violations of SORA for working, loitering, or residing in a student safety zone. To the extent that the bill resulted in the conviction of fewer individuals registered under the Act for second or subsequent offenses, State and local governments would incur reduced incarceration costs and public libraries would receive less penal fine revenue. Local governments' incarceration costs in local facilities vary by county. The State's average annual cost for felony probation is \$2,000, and the average annual cost of incarceration in a State facility is \$30,000.

Date Completed: 12-13-05

Fiscal Analyst: Lindsay Hollander