

SUBSTITUTE FOR
HOUSE BILL NO. 4598

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Convicted" means 1 of the following:

3 (i) Having a judgment of conviction or a probation order
4 entered in any court having jurisdiction over criminal offenses,
5 including, but not limited to, a tribal court or a military court,
6 and including a conviction subsequently set aside under 1965 PA
7 213, MCL 780.621 to 780.624.

8 (ii) Either of the following:

1 (A) Being assigned to youthful trainee status under sections
2 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
3 175, MCL 762.11 to 762.15, before October 1, 2004.

4 (B) Being assigned to youthful trainee status under sections
5 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
6 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
7 individual's status of youthful trainee is revoked and an
8 adjudication of guilt is entered.

9 (iii) Having an order of disposition entered under section 18 of
10 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
11 that is open to the general public under section 28 of chapter XIIA
12 of the probate code of 1939, 1939 PA 288, MCL 712A.28.

13 (iv) Having an order of disposition or other adjudication in a
14 juvenile matter in another state or country.

15 (b) "Department" means the department of state police.

16 (c) "Institution of higher education" means 1 or more of the
17 following:

18 (i) A public or private community college, college, or
19 university.

20 (ii) A public or private trade, vocational, or occupational
21 school.

22 (d) "Local law enforcement agency" means the police department
23 of a municipality.

24 (e) "Listed offense" means any of the following:

25 (i) A violation of section 145a, 145b, or 145c of the Michigan
26 penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c.

27 (ii) A violation of section 158 of the Michigan penal code,

1 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
2 years of age.

3 (iii) A SECOND OR SUBSEQUENT VIOLATION OF SECTION 335A(2)(B) OF
4 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A.

5 (iv) ~~-(iii)-~~ A third or subsequent violation of any combination
6 of the following:

7 (A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328,
8 MCL 750.167.

9 (B) Section ~~-335a-~~ 335A(2)(A) of the Michigan penal code, 1931
10 PA 328, MCL 750.335a.

11 (C) A local ordinance of a municipality substantially
12 corresponding to a section described in sub-subparagraph (A) or
13 (B).

14 (v) ~~-(iv)-~~ Except for a juvenile disposition or adjudication, a
15 violation of section 338, 338a, or 338b of the Michigan penal code,
16 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
17 individual less than 18 years of age.

18 (vi) ~~-(v)-~~ A violation of section 349 of the Michigan penal
19 code, 1931 PA 328, MCL 750.349, if a victim is an individual less
20 than 18 years of age.

21 (vii) ~~-(vi)-~~ A violation of section 350 of the Michigan penal
22 code, 1931 PA 328, MCL 750.350.

23 (viii) ~~-(vii)-~~ A violation of section 448 of the Michigan penal
24 code, 1931 PA 328, MCL 750.448, if a victim is an individual less
25 than 18 years of age.

26 (ix) ~~-(viii)-~~ A violation of section 455 of the Michigan penal
27 code, 1931 PA 328, MCL 750.455.

1 **(x)** ~~—(ix)—~~ A violation of section 520b, 520c, 520d, 520e, or
2 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b,
3 750.520c, 750.520d, 750.520e, and 750.520g.

4 **(xi)** ~~—(x)—~~ Any other violation of a law of this state or a
5 local ordinance of a municipality that by its nature constitutes a
6 sexual offense against an individual who is less than 18 years of
7 age.

8 **(xii)** ~~—(xi)—~~ An offense committed by a person who was, at the
9 time of the offense, a sexually delinquent person as defined in
10 section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

11 **(xiii)** ~~—(xii)—~~ An attempt or conspiracy to commit an offense
12 described in subparagraphs (i) to ~~—(xi)—~~ **(xii)**.

13 **(xiv)** ~~—(xiii)—~~ An offense substantially similar to an offense
14 described in subparagraphs (i) to ~~—(xii)—~~ **(xiii)** under a law of the
15 United States, any state, or any country or under tribal or
16 military law.

17 (f) "Municipality" means a city, village, or township of this
18 state.

19 (g) "Residence", as used in this act, for registration and
20 voting purposes means that place at which a person habitually
21 sleeps, keeps his or her personal effects, and has a regular place
22 of lodging. If a person has more than 1 residence, or if a wife has
23 a residence separate from that of the husband, that place at which
24 the person resides the greater part of the time shall be his or her
25 official residence for the purposes of this act. This section shall
26 not be construed to affect existing judicial interpretation of the
27 term residence.

1 (h) "Student" means an individual enrolled on a full- or part-
2 time basis in a public or private educational institution,
3 including, but not limited to, a secondary school, trade school,
4 professional institution, or institution of higher education.

5 Enacting section 1. This amendatory act takes effect September
6 1, 2005.

7 Enacting section 2. This amendatory act does not take effect
8 unless House Bill No. 4597 of the 93rd Legislature is enacted into
9 law.