

HOUSE BILL No. 5397

November 2, 2005, Introduced by Rep. Gaffney and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34
as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) Except as provided in this section and section
2 36, an individual required to be registered under article II shall
3 not do 1 or more of the following:

4 (a) Work within a student safety zone.

5 (b) Loiter within a student safety zone.

6 (2) An individual who violates this section is guilty of a
7 crime as follows:

8 (a) For the first violation, the individual is guilty of a
9 misdemeanor punishable by imprisonment for not more than 1 year or

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a fine of not more than \$1,000.00, or both.

(b) ~~For the second or subsequent violation, the~~ **AN**
individual **WHO VIOLATES THIS SECTION AND HAS 1 OR MORE PRIOR**
CONVICTIONS UNDER THIS SECTION is guilty of a felony punishable by
imprisonment for not more than 2 years or a fine of not more than
\$2,000.00, or both.

(3) Subsection (1)(a) does not apply to any of the following:

(a) An individual who was working within a student safety zone
~~at the time the amendatory act that added this section was enacted~~
~~into law~~ **ON JANUARY 1, 2006**. However, this exception does not
apply to an individual who initiates or maintains contact with a
minor within that student safety zone.

(b) An individual whose place of employment is within a
student safety zone solely because a school is relocated or is
initially established 1,000 feet or less from the individual's
place of employment. However, this exception does not apply to an
individual who initiates or maintains contact with a minor within
that student safety zone.

(c) An individual who only intermittently or sporadically
enters a student safety zone for the purpose of work. However, this
exception does not apply to an individual who initiates or
maintains contact with a minor within a student safety zone.

(4) This section does not prohibit an individual from being
charged with, convicted of, or punished for any other violation of
law that is committed by that individual while violating this
section.

**[(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN
INDIVIDUAL FROM EXERCISING HIS OR HER RIGHT TO VOTE.]**

Sec. 35. (1) Except as otherwise provided in this section and

1 section 36, an individual required to be registered under article
2 II shall not reside within a student safety zone.

3 (2) An individual who violates subsection (1) is guilty of a
4 crime as follows:

5 (a) For the first violation, the individual is guilty of a
6 misdemeanor punishable by imprisonment for not more than 1 year or
7 a fine of not more than \$1,000.00, or both.

8 (b) ~~For the second or subsequent violation, the~~ **AN**
9 individual **WHO VIOLATES THIS SECTION AND HAS 1 OR MORE PRIOR**
10 **CONVICTIONS UNDER THIS SECTION** is guilty of a felony punishable by
11 imprisonment for not more than 2 years or a fine of not more than
12 \$2,000.00, or both.

13 (3) This section does not apply to any of the following:

14 (a) An individual who is not more than 19 years of age and
15 attends secondary school or postsecondary school, and resides with
16 his or her parent or guardian. However, this exception does not
17 apply to an individual who initiates or maintains contact with a
18 minor within that student safety zone. However, the individual may
19 initiate or maintain contact with a minor with whom he or she
20 attends secondary school or postsecondary school in conjunction
21 with that school attendance.

22 (b) ~~The~~ **AN** individual **WHO** is not more than 26 years of age
23 and attends a special education program, and resides with his or
24 her parent or guardian or resides in a group home or assisted
25 living facility. However, an individual described in this
26 subdivision shall not initiate or maintain contact with a minor
27 within that student safety zone. The individual shall be permitted

1 to initiate or maintain contact with a minor with whom he or she
2 attends a special education program in conjunction with that
3 attendance.

4 (c) An individual who was residing within that student safety
5 zone ~~at the time the amendatory act that added this section was~~
6 ~~enacted into law~~ **ON JANUARY 1, 2006**. However, this exception does
7 not apply to an individual who initiates or maintains contact with
8 a minor within that student safety zone.

9 (d) An individual who is a patient in a hospital or hospice
10 that is located within a student safety zone. However, this
11 exception does not apply to an individual who initiates or
12 maintains contact with a minor within that student safety zone.

13 (e) An individual who resides within a student safety zone
14 because the individual is an inmate or resident of a prison, jail,
15 juvenile facility, or other correctional facility or is a patient
16 of a mental health facility under an order of commitment. However,
17 this exception does not apply to an individual who initiates or
18 maintains contact with a minor within that student safety zone.

19 (4) An individual who resides within a student safety zone and
20 who is subsequently required to register under article II shall
21 change his or her residence to a location outside the student
22 safety zone not more than 90 days after he or she is sentenced for
23 the conviction that gives rise to the obligation to register under
24 article II. However, this exception does not apply to an individual
25 who initiates or maintains contact with a minor within that student
26 safety zone during the 90-day period described in this subsection.

27 (5) This section does not prohibit an individual from being

1 charged with, convicted of, or punished for any other violation of
2 law that is committed by that individual while violating this
3 section.

4 Enacting section 1. This amendatory act takes effect January
5 1, 2006.