

**SUBSTITUTE FOR
SENATE BILL NO. 128**

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) Except as provided in this act, a registration or
2 report is confidential and information from that registration or
3 report shall not be open to inspection except for law enforcement
4 purposes. The registration or report and all included materials and
5 information are exempt from disclosure under section 13 of the
6 freedom of information act, 1976 PA 442, MCL 15.243.

7 (2) A department post, local law enforcement agency, or
8 sheriff's department shall make information from the compilation
9 described in section 8(2) for the zip code areas located in whole

Senate Bill No. 128 as amended May 19, 2005

1 or in part within the post's, agency's, or sheriff's department's
2 jurisdiction available for public inspection during regular
3 business hours. A department post, local law enforcement agency, or
4 sheriff's department is not required to make a copy of the
5 information for a member of the public.

6 <<(3) The department may make information from the compilation
7 described in section 8(2) available to the public through electronic,
8 computerized, or other accessible means.>> THE DEPARTMENT

9 SHALL PROVIDE FOR NOTIFICATION BY ELECTRONIC OR COMPUTERIZED MEANS
10 TO ANY MEMBER OF THE PUBLIC WHO HAS SUBSCRIBED IN A MANNER REQUIRED
11 BY THE DEPARTMENT WHEN AN INDIVIDUAL WHO IS THE SUBJECT OF THE
12 COMPILATION DESCRIBED IN SECTION 8(2) INITIALLY REGISTERS UNDER
13 THIS ACT, OR CHANGES HIS OR HER REGISTRATION UNDER THIS ACT, TO A
14 LOCATION THAT IS IN A ZIP CODE AREA DESIGNATED BY THE SUBSCRIBING
15 MEMBER OF THE PUBLIC.

16 (4) Except as provided in this act, an individual other than
17 the registrant who knows of a registration or report under this act
18 and who divulges, uses, or publishes nonpublic information
19 concerning the registration or report in violation of this act is
20 guilty of a misdemeanor punishable by imprisonment for not more
21 than 93 days or a fine of not more than \$1,000.00, or both.

22 (5) An individual whose registration or report is revealed in
23 violation of this act has a civil cause of action against the
24 responsible party for treble damages.

25 (6) Subsections (4) and (5) do not apply to the compilation
26 described in section 8(2) or information from that compilation that
27 is provided or made available under section 8(2) or under

1 subsection (2) or (3).