

HOUSE BILL No. 5193

September 20, 2005, Introduced by Reps. Baxter, David Law, Acciavatti, Marleau,
Hildenbrand, Gleason, Rocca and Nitz and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 5 (MCL 28.725), as amended by 2004 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~Within 10 days after any of the following occur,~~
2 ~~an~~ **AN** individual required to be registered under this act shall
3 notify the local law enforcement agency or sheriff's department
4 having jurisdiction where his or her new residence or domicile is
5 located or the department post of the individual's new residence or
6 domicile ~~—(a) The~~ **WITHIN 10 DAYS AFTER THE** individual changes
7 his or her residence, domicile, or place of work or education,
8 including any change required to be reported under section 4a.
9 ~~—(b) The individual is paroled.~~

1 ~~—— (c) Final release of the individual from the jurisdiction of~~
2 ~~the department of corrections.~~

3 (2) IF AN INDIVIDUAL WHO IS INCARCERATED IN A STATE
4 CORRECTIONAL FACILITY AND IS REQUIRED TO BE REGISTERED UNDER THIS
5 ACT IS GRANTED PAROLE OR IS DUE TO BE RELEASED UPON COMPLETION OF
6 HIS OR HER MAXIMUM SENTENCE, THE DEPARTMENT OF CORRECTIONS, BEFORE
7 RELEASING THE INDIVIDUAL, SHALL PROVIDE NOTICE OF THE LOCATION OF
8 THE INDIVIDUAL'S PROPOSED PLACE OF RESIDENCE OR DOMICILE TO THE
9 SHERIFF'S DEPARTMENT HAVING JURISDICTION OVER THAT LOCATION OR TO
10 THE APPROPRIATE STATE POLICE DEPARTMENT POST.

11 (3) ~~(2)~~ Within 10 days after either of the following occurs,
12 the department of corrections shall notify the local law
13 enforcement agency or sheriff's department having jurisdiction over
14 the area to which the individual is transferred or the department
15 post of the transferred residence or domicile of an individual
16 required to be registered under this act:

17 (a) The individual is transferred to a community residential
18 program.

19 (b) The individual is transferred into a minimum custody
20 correctional facility of any kind, including a correctional camp or
21 work camp.

22 (4) ~~(3)~~ An individual required to be registered under this
23 act shall notify the department on a form prescribed by the
24 department not later than 10 days before he or she changes his or
25 her domicile or residence to another state. The individual shall
26 indicate the new state and, if known, the new address. The
27 department shall update the registration and compilation databases

1 and promptly notify the appropriate law enforcement agency and any
2 applicable sex or child offender registration authority in the new
3 state.

4 (5) ~~—(4)—~~ If the probation or parole of an individual required
5 to be registered under this act is transferred to another state or
6 an individual required to be registered under this act is
7 transferred from a state correctional facility to any correctional
8 facility or probation or parole in another state, the department of
9 corrections shall promptly notify the department and the
10 appropriate law enforcement agency and any applicable sex or child
11 offender registration authority in the new state. The department
12 shall update the registration and compilation databases.

13 (6) ~~—(5)—~~ An individual registered under this act shall comply
14 with the verification procedures and proof of residence procedures
15 prescribed in sections 4a and 5a.

16 (7) ~~—(6)—~~ Except as provided in subsections ~~—(7)—~~ and (8) **AND**
17 (9), an individual shall comply with this section for 25 years
18 after the date of initially registering or, if the individual is in
19 a state correctional facility, for 10 years after release from the
20 state correctional facility, whichever is longer.

21 (8) ~~—(7)—~~ Except as provided in subsection ~~—(8)—~~ (9), an
22 individual shall comply with this section for life if the
23 individual is convicted of any of the following or a substantially
24 similar offense under a law of the United States, any state, or any
25 country or under tribal or military law:

26 (a) A violation of section 520b of the Michigan penal code,
27 1931 PA 328, MCL 750.520b.

1 (b) A violation of section 520c(1)(a) of the Michigan penal
2 code, 1931 PA 328, MCL 750.520c.

3 (c) A violation of section 349 of the Michigan penal code,
4 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
5 age.

6 (d) A violation of section 350 of the Michigan penal code,
7 1931 PA 328, MCL 750.350.

8 (e) A violation of section 145c(2) or (3) of the Michigan
9 penal code, 1931 PA 328, MCL 750.145c.

10 (f) An attempt or conspiracy to commit an offense described in
11 subdivisions (a) to (e).

12 (g) Except as provided in this subdivision, a second or
13 subsequent listed offense after October 1, 1995 regardless of when
14 any earlier listed offense was committed. An individual is not
15 required to comply with this section for life if his or her first
16 or second listed offense is for a conviction on or before September
17 1, 1999 for an offense that was added on September 1, 1999 to the
18 definition of listed offense, unless he or she is convicted of a
19 subsequent listed offense after September 1, 1999.

20 (9) ~~-(8)-~~ An individual who is ordered to register as provided
21 in section 8d shall register subject to that section.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No.____ or House Bill No. 5194(request no.
24 03702'05 a) of the 93rd Legislature is enacted into law.