

# SENATE BILL No. 128

February 1, 2005, Introduced by Senators SANBORN, BIRKHOLZ, THOMAS, GARCIA, PATTERSON, BARCIA, CLARKE, CROSEY, JELINEK, GOSCHKA and ALLEN and referred to the Committee on Judiciary.

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

1 described in section 8(2) for the zip code areas located in whole  
2 or in part within the post's, agency's, or sheriff's department's  
3 jurisdiction available for public inspection during regular  
4 business hours. A department post, local law enforcement agency, or  
5 sheriff's department is not required to make a copy of the  
6 information for a member of the public.

7 (3) The department may make information from the compilation  
8 described in section 8(2) available to the public through  
9 electronic, computerized, or other accessible means. **THE DEPARTMENT**  
10 **SHALL PROVIDE FOR NOTIFICATION BY ELECTRONIC OR COMPUTERIZED MEANS**  
11 **TO ANY MEMBER OF THE PUBLIC WHO HAS SUBSCRIBED IN A MANNER REQUIRED**  
12 **BY THE DEPARTMENT WHEN AN INDIVIDUAL WHO IS THE SUBJECT OF THE**  
13 **COMPILATION DESCRIBED IN SECTION 8(2) CHANGES HIS OR HER**  
14 **REGISTRATION UNDER THIS ACT TO A LOCATION THAT IS IN OR NOT MORE**  
15 **THAN 1 MILE FROM A ZIP CODE AREA DESIGNATED BY THE SUBSCRIBING**  
16 **MEMBER OF THE PUBLIC.**

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

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

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

1 is provided or made available under section 8(2) or under  
2 subsection (2) or (3).