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BILL ANALYSIS



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Senate Bill 122 (as introduced 1-30-07)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

Date Completed: 5-19-08

CONTENT

The bill would create a new act to prohibit a person who was convicted of either an offense that requires sex offender registration or an alcohol- or drug-related driving offense from serving in various capacities with an independent youth athletic team, unless the person disclosed his or her conviction to the team's sanctioning organization. A violation of the proposed act would be a misdemeanor punishable by a maximum fine of \$500.

Specifically, an individual who had been convicted of a "listed offense", or who had been convicted of an alcohol-related or controlled substance-related driving violation under the Michigan Vehicle Code, could not do any of the following for an independent youth athletic team based in Michigan unless he or she disclosed the conviction to the sanctioning organization:

- Serve as coach or assistant coach.
- Work for the team 20 or more hours within a calendar year.
- Have unsupervised contact with children.
- Serve as a chaperone for children on any overnight activity.

"Child" or "children" would mean an individual or individuals under 18 years of age. "Independent youth athletic team" or "team" would mean a sports team that includes a child as a team member; is sanctioned by an incorporated organization; and is not sanctioned by or affiliated with a public or private school.

"Convicted" would mean that term as defined in the Sex Offenders Registration Act (SORA), i.e., any of the following:

- Having a judgment of conviction or a probation order entered in any court having jurisdiction over criminal offenses, including a conviction subsequently set aside.
- Being assigned to youthful trainee status under the Holmes Youthful Trainee Act (HYTA) before October 1, 2004.
- Being assigned to youthful trainee status under HYTA after that date, if youthful trainee status is revoked and an adjudication of guilt is entered.
- Having an order of disposition entered under the juvenile code that is open to the general public under the code.
- Having an order of disposition or other adjudication in a juvenile matter in another state or country.

"Listed offense" would mean that term as defined in SORA, i.e., any of the following:

- A first or subsequent conviction of accosting, enticing, or soliciting a child for immoral purposes (MCL 750.145a & 750.145b).
- Involvement in child sexually abusive activity or material (MCL 750.145c).
- Sodomy, if a victim is under 18 (MCL 750.158).
- Aggravated indecent exposure, if the offender previously was convicted of indecent exposure or aggravated indecent exposure (MCL 750.335a(2)(b)).
- A third or subsequent offense of engaging in indecent or obscene conduct in a public place or indecent exposure (MCL 750.167(1)(f) or 750.335a(2)(a)).
- Except for a juvenile disposition or adjudication, gross indecency, if a victim is under 18 (MCL 750.338, 750.338a, or 750.338b).
- Kidnapping, if a victim is under 18 (MCL 750.349).
- Kidnapping a child under 14 (MCL 750.350).
- Soliciting, accosting, or inviting another person to commit prostitution or an immoral act, if a victim is under 18 (MCL 750.448).
- Pandering for purposes of prostitution (MCL 750.455).
- First-, second-, third-, or fourth-degree criminal sexual conduct (CSC) or assault with intent to commit CSC (MCL 750.520b-750.520e & 750.520g).
- Any other violation of a State or local law that, by its nature, constitutes a sexual offense against an individual under 18.
- An offense committed by a person who was, at the time of the offense, a "sexually delinquent person" as defined in the Michigan Penal Code (i.e., any person whose sexual behavior is characterized by repetitive or compulsive acts that indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sexual relations or by the commission of sexual aggressions against children under 16) (MCL 750.10a).
- An attempt or conspiracy to commit an offense listed above.
- An offense substantially similar to an offense listed above, under a law of the United States, any state, or any country, or under tribal or military law.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders who had been convicted of listed offenses or alcohol- or controlled substance-related driving violations would be convicted of the proposed offense. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.