

# HOUSE BILL No. 6699

November 19, 2008, Introduced by Reps. Meadows, Rick Jones, Warren, Meisner, Alma Smith, Condino, Young, Garfield, Gaffney and Jackson and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending section 3 (MCL 28.723), as amended by 1999 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. (1) Subject to ~~subsection (2)~~ **SUBSECTIONS (2) AND (3)**,  
2 the following individuals who are domiciled or temporarily reside  
3 in this state for 14 or more consecutive days, who work with or  
4 without compensation or are students in this state for 14 or more  
5 consecutive days, or who are domiciled, reside, or work with or  
6 without compensation or are students in this state for 30 or more  
7 total days in a calendar year are required to be registered under  
8 this act:

9           (a) An individual who is convicted of a listed offense after

1 October 1, 1995.

2 (b) An individual convicted of a listed offense on or before  
3 October 1, 1995 if on October 1, 1995 he or she is on probation or  
4 parole, committed to jail, committed to the jurisdiction of the  
5 department of corrections, or under the jurisdiction of the  
6 juvenile division of the probate court or the department of social  
7 services for that offense or is placed on probation or parole,  
8 committed to jail, committed to the jurisdiction of the department  
9 of corrections, placed under the jurisdiction of the juvenile  
10 division of the probate court or family division of circuit court,  
11 or committed to the department of social services or family  
12 independence agency after October 1, 1995 for that offense.

13 (c) An individual convicted of an offense described in section  
14 ~~2(d) (xiii)~~ **2 (E) (xiii)** on or before October 1, 1995 if on October 1,  
15 1995 he or she is on probation or parole that has been transferred  
16 to this state for that offense or his or her probation or parole is  
17 transferred to this state after October 1, 1995 for that offense.

18 (d) An individual from another state who is required to  
19 register or otherwise be identified as a sex or child offender or  
20 predator under a comparable statute of that state.

21 (2) An individual convicted of an offense added on September  
22 1, 1999 to the definition of listed offense is not required to be  
23 registered solely because of that listed offense unless 1 of the  
24 following applies:

25 (a) The individual is convicted of that listed offense on or  
26 after September 1, 1999.

27 (b) On September 1, 1999, the individual is on probation or

1 parole, committed to jail, committed to the jurisdiction of the  
2 department of corrections, under the jurisdiction of the family  
3 division of circuit court, or committed to the family independence  
4 agency for that offense or the individual is placed on probation or  
5 parole, committed to jail, committed to the jurisdiction of the  
6 department of corrections, placed under the jurisdiction of the  
7 family division of circuit court, or committed to the family  
8 independence agency on or after September 1, 1999 for that offense.

9 (c) On September 1, 1999, the individual is on probation or  
10 parole for that offense which has been transferred to this state or  
11 the individual's probation or parole for that offense is  
12 transferred to this state after September 1, 1999.

13 (d) On September 1, 1999, in another state or country the  
14 individual is on probation or parole, committed to jail, committed  
15 to the jurisdiction of the department of corrections or a similar  
16 type of state agency, under the jurisdiction of a court that  
17 handles matters similar to those handled by the family division of  
18 circuit court in this state, or committed to an agency with the  
19 same authority as the family independence agency for that offense.

20 (3) AN INDIVIDUAL CONVICTED OF VIOLATING SECTION 520E OF THE  
21 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E, IS NOT REQUIRED TO  
22 REGISTER UNDER THIS ACT IF THE FOLLOWING CONDITIONS ARE SATISFIED:

23 (A) THE INDIVIDUAL WAS NOT PREVIOUSLY CONVICTED OF A LISTED  
24 OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER THIS ACT.

25 (B) THE COURT DETERMINES THAT THE OFFENSE DID NOT INVOLVE A  
26 FACTOR SET FORTH IN SECTION 520E(1) (B) TO (F) OF THE MICHIGAN PENAL  
27 CODE, 1931 PA 328, MCL 750.520E.

1 (C) THE COURT DETERMINES THAT EXEMPTION FROM REGISTRATION IS  
2 WARRANTED AFTER CONSIDERATION OF ALL OF THE FOLLOWING FACTORS:

3 (i) THE INDIVIDUAL'S AGE AND LEVEL OF MATURITY AT THE TIME OF  
4 THE OFFENSE.

5 (ii) THE VICTIM'S AGE AND LEVEL OF MATURITY AT THE TIME OF THE  
6 OFFENSE.

7 (iii) THE NATURE OF THE OFFENSE.

8 (iv) THE SEVERITY OF THE OFFENSE.

9 (v) THE INDIVIDUAL'S PRIOR JUVENILE OR CRIMINAL HISTORY.

10 (vi) THE INDIVIDUAL'S LIKELIHOOD TO COMMIT FURTHER LISTED  
11 OFFENSES.

12 (vii) ANY IMPACT STATEMENT SUBMITTED BY THE VICTIM UNDER THE  
13 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL  
14 780.751 TO 780.834, OR UNDER THIS SECTION.

15 (viii) ANY OTHER INFORMATION CONSIDERED RELEVANT BY THE COURT.

16 (4) SUBSECTION (3) APPLIES TO THE FOLLOWING:

17 (A) AN INDIVIDUAL WHO IS CONVICTED OF VIOLATING SECTION 520E  
18 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E, ON OR AFTER  
19 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
20 SUBSECTION.

21 (B) AN INDIVIDUAL WHO IS CONVICTED OF VIOLATING SECTION 520E  
22 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E, BEFORE THE  
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION,  
24 BUT WHO WAS NOT SENTENCED UNTIL ON OR AFTER THE EFFECTIVE DATE OF  
25 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.