

SENATE BILL No. 1207

March 4, 2010, Introduced by Senators HARDIMAN, KAHN and RICHARDVILLE and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 8 (MCL 28.728), as amended by 2004 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The department shall maintain a computerized
2 database of registrations and notices required under this act.

3 (2) The department shall maintain a computerized database
4 separate from that described in subsection (1) to implement section
5 10(2) and (3). Except as provided in subsection (3), the database
6 shall consist of a compilation of individuals registered under this
7 act.

8 (3) The database described in subsection (2) shall not include
9 the following individuals:

10 (a) An individual registered solely because he or she had 1 or

1 more dispositions for a listed offense entered under section 18 of
2 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
3 in a case that was not designated as a case in which the individual
4 was to be tried in the same manner as an adult under section 2d of
5 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.
6 Except as provided in subdivision (b), the exclusion for juvenile
7 dispositions does not apply to a disposition for a violation of
8 section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL
9 750.520b and 750.520c, after the individual becomes 18 years of
10 age.

11 (b) An individual who is exempt under section 8d from that
12 database.

13 (4) The compilation of individuals shall be indexed
14 numerically by zip code area. Within each zip code area, the
15 compilation shall contain all of the following information:

16 (a) The name and aliases, address **OR LOCATION, AS APPLICABLE**,
17 physical description, and birth date of each individual registered
18 under this act who is included in the compilation and who resides
19 **OR IS PRESENT** in that zip code area and any listed offense of which
20 the individual has been convicted.

21 (b) The name and campus location of each institution of higher
22 education to which the individual is required to report under
23 section 4a.

24 (c) Beginning May 1, 2005, the photograph of each individual
25 registered under this act. The department shall obtain the
26 photographs submitted under section 5a from the secretary of state
27 for purposes of implementing this subdivision.

1 (5) AN INDIVIDUAL REGISTERED UNDER SECTION 2A SHALL BE INDEXED
2 WITHIN THE ZIP CODE AREA OF THE POLICE DEPARTMENT OR SHERIFF'S
3 DEPARTMENT WHERE THE INDIVIDUAL REGISTERED, AND THE TERM "WITHOUT
4 RESIDENCE" SHALL BE REFLECTED IN THE COMPILATION FOR THAT
5 INDIVIDUAL.

6 (6) ~~(5)~~—The department shall update the compilation with new
7 registrations, deletions from registrations, and address changes at
8 the same time those changes are made to the database described in
9 subsection (1). The department shall make the compilation available
10 to each department post, local law enforcement agency, and
11 sheriff's department by the law enforcement information network.
12 Upon request by a department post, local law enforcement agency, or
13 sheriff's department, the department shall provide to that post,
14 agency, or sheriff's department the information from the
15 compilation in printed form for the zip code areas located in whole
16 or in part within the post's, agency's, or sheriff's department's
17 jurisdiction. The department shall provide the ability to conduct a
18 computerized search of the compilation based upon the name and
19 campus location of an institution of higher education described in
20 subsection (4)(b).

21 (7) ~~(6)~~—The department shall make the compilation or
22 information from the compilation available to a department post,
23 local law enforcement agency, sheriff's department, and the public
24 by electronic, computerized, or other similar means accessible to
25 the post, agency, or sheriff's department. The electronic,
26 computerized, or other similar means shall provide for both a
27 search by name and by zip code.

1 (8) ~~(7)~~—If a court determines that the public availability
2 under section 10 of any information concerning individuals
3 registered under this act, including names and aliases, addresses
4 **OR LOCATIONS**, physical descriptions, or dates of birth, violates
5 the constitution of the United States or this state, the department
6 shall revise the compilation in subsection (2) so that it does not
7 contain that information.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 95th Legislature are
10 enacted into law:

11 (a) Senate Bill No. 1206.

12
13 (b) Senate Bill No. 1208.

14
15 (c) Senate Bill No. 1209.