

SENATE BILL No. 1208

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

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 5a (MCL 28.725a), as amended by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) Not later than December 1, 2004, the department
2 shall mail a notice to each individual registered under this act
3 who is not in a state correctional facility explaining the
4 individual's duties under this section and this act as amended and
5 the procedure for registration, notification, and verification and
6 paying the registration fee prescribed under subsection (7) or
7 section 7(1).

8 (2) Upon the release of an individual registered under this
9 act who is in a state correctional facility, the department of
10 corrections shall provide written notice to that individual

1 explaining his or her duties under this section and this act as
2 amended and the procedure for registration, notification, and
3 verification and payment of the registration fee prescribed under
4 subsection (7), **SECTION 2A**, or section 7(1). The individual shall
5 sign and date the notice. The department of corrections shall
6 maintain a copy of the signed and dated notice in the individual's
7 file. The department of corrections shall forward the original
8 notice to the department within 30 days, regardless of whether the
9 individual signs it.

10 (3) Not later than January 15, 2000, an individual registered
11 under this act who is not incarcerated shall report in person to
12 the local law enforcement agency or sheriff's department having
13 jurisdiction where he or she is domiciled or resides or to the
14 department post in or nearest to the county where he or she is
15 domiciled or resides. The individual shall present proof of
16 domicile or residence and update any information that changed since
17 registration, including information that is required to be reported
18 under section 4a. An individual registered under this act who is
19 incarcerated on January 15, 2000 shall report under this subsection
20 not less than 10 days after he or she is released.

21 (4) Except as provided in subsection (5) **AND SECTION 2A**,
22 following initial verification under subsection (3), or
23 registration under this act after January 15, 2000, an individual
24 required to be registered under this act who is not incarcerated
25 shall report in person to the local law enforcement agency or
26 sheriff's department having jurisdiction where he or she is
27 domiciled or resides or to the department post in or nearest to the

1 county where he or she is domiciled or resides for verification of
2 domicile or residence as follows:

3 (a) If the person is registered only for 1 or more listed
4 offenses that are misdemeanors, not earlier than January 1 or later
5 than January 15 of each year after the initial verification or
6 registration. As used in this subdivision, "misdemeanor" means that
7 term as defined in section 1 of chapter I of the code of criminal
8 procedure, 1927 PA 175, MCL 761.1.

9 (b) If the person is registered for 1 or more listed offenses
10 that are felonies, not earlier than the first day or later than the
11 fifteenth day of each April, July, October, and January following
12 initial verification or registration. As used in this subdivision,
13 "felony" means that term as defined in section 1 of chapter I of
14 the code of criminal procedure, 1927 PA 175, MCL 761.1.

15 (5) The continued reporting requirements of this section
16 following initial registration do not apply to an individual
17 convicted as a juvenile of committing an offense described in
18 section 8c(15)(a) or (b) committed by the individual when he or she
19 was less than 17 years of age, except that the individual shall
20 report a change in his or her residence within this state or to
21 another state as provided in this section within 10 days after the
22 change of residence is made. If the individual fails to file a
23 petition under section 8c before he or she becomes 18 years of age,
24 or if his or her petition is denied by the court, the individual
25 shall report as otherwise required under this section.

26 (6) When an individual reports under subsection (3) or (4) **OR**
27 **SECTION 2A**, an officer or authorized employee of the local law

1 enforcement agency, sheriff's department, or department post shall
2 verify the individual's residence or domicile and any information
3 required to be reported under section 4a. The officer or authorized
4 employee shall sign and date a verification form. The officer shall
5 give a copy of the signed form showing the date of verification to
6 the individual. The officer or employee shall forward verification
7 information to the department by the law enforcement information
8 network in the manner the department prescribes. The department
9 shall revise the databases maintained under section 8 as necessary
10 and shall indicate verification in the compilation under section
11 8(2).

12 (7) Except as otherwise provided in section 5b, beginning
13 October 16, 2004, an individual who reports as prescribed under
14 subsection (3) or (4) and who has not already paid the fee
15 prescribed under section 7(1) shall pay a \$35.00 registration fee.
16 An individual shall only be required to pay a fee once under this
17 subsection.

18 (8) An individual required to be registered under this act
19 shall maintain either a valid operator's or chauffeur's license
20 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
21 257.923, or an official state personal identification card issued
22 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
23 current address. The license or card may be used as proof of
24 domicile or residence under this section. In addition, the officer
25 or authorized employee may require the individual to produce
26 another document bearing his or her name and address, including,
27 but not limited to, voter registration or a utility or other bill.

1 The department may specify other satisfactory proof of domicile or
2 residence.

3 (9) Not earlier than January 1, 2000 or later than January 15,
4 2000, an individual registered under this act who is not
5 incarcerated shall report in person to a secretary of state office
6 and have his or her digitized photograph taken. An individual
7 registered under this act who is incarcerated on January 15, 2000
8 shall report under this subsection not less than 10 days after he
9 or she is released. The individual is not required to report under
10 this subsection if he or she had a digitized photograph taken for
11 an operator's or chauffeur's license or official state personal
12 identification card before January 1, 2000, or within 2 years
13 before he or she is released. The photograph shall be used on the
14 individual's operator's or chauffeur's license or official state
15 personal identification card. The individual shall have a new
16 photograph taken when he or she renews the license or
17 identification card as provided by law. The secretary of state
18 shall make the digitized photograph available to the department for
19 a registration under this act.

20 (10) If an individual does not report under subsection (3) or
21 (4), ~~or~~ **SECTION 2A**, OR section 4a, the department shall notify the
22 local law enforcement agency, sheriff's department, or department
23 post. An appearance ticket may be issued for the individual's
24 failure to report as provided in sections 9a to 9g of chapter IV of
25 the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

26 (11) The department shall prescribe the form for the notices
27 and verification procedures required under this section.

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

4 (a) Senate Bill No. 1206.

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6 (b) Senate Bill No. 1207.

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8 (c) Senate Bill No. 1209.

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