

SENATE BILL No. 1337

May 13, 2010, Introduced by Senators KAHN and BISHOP and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 4, 4a, 5a, 5b, 7, and 9 (MCL 28.724, 28.724a,
28.725a, 28.725b, 28.727, and 28.729), section 4 as amended by 2004
PA 240, sections 4a and 7 as amended and section 5b as added by
2004 PA 237, section 5a as amended by 2005 PA 322, and section 9 as
amended by 2005 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Registration of an individual under this act shall
2 proceed as provided in this section.

3 (2) For an individual convicted of a listed offense on or
4 before October 1, 1995 who on or before October 1, 1995 is
5 sentenced for that offense, has a disposition entered for that
6 offense, or is assigned to youthful trainee status for that

1 offense, the following shall register the individual by December
2 31, 1995:

3 (a) If the individual is on probation for the listed offense,
4 the individual's probation officer.

5 (b) If the individual is committed to jail for the listed
6 offense, the sheriff or his or her designee.

7 (c) If the individual is under the jurisdiction of the
8 department of corrections for the listed offense, the department of
9 corrections.

10 (d) If the individual is on parole for the listed offense, the
11 individual's parole officer.

12 (e) If the individual is within the jurisdiction of the
13 juvenile division of the probate court or the department of social
14 services under an order of disposition for the listed offense, the
15 juvenile division of the probate court or the department of social
16 services.

17 (3) Except as provided in subsection (4), for an individual
18 convicted of a listed offense on or before October 1, 1995:

19 (a) If the individual is sentenced for that offense after
20 October 1, 1995 or assigned to youthful trainee status after
21 October 1, 1995, the probation officer shall register the
22 individual before sentencing or assignment.

23 (b) If the individual's probation or parole is transferred to
24 this state after October 1, 1995, the probation or parole officer
25 shall register the individual within 14 days after the transfer.

26 (c) If the individual is placed within the jurisdiction of the
27 juvenile division of the probate court or family division of

1 circuit court or committed to the department of social services or
2 family independence agency under an order of disposition entered
3 after October 1, 1995, the juvenile division of the probate court
4 or family division of circuit court shall register the individual
5 before the order of disposition is entered.

6 (4) For an individual convicted on or before September 1, 1999
7 of an offense that was added on September 1, 1999 to the definition
8 of listed offense, the following shall register the individual:

9 (a) If the individual is on probation or parole on September
10 1, 1999 for the listed offense, the individual's probation or
11 parole officer not later than September 12, 1999.

12 (b) If the individual is committed to jail on September 1,
13 1999 for the listed offense, the sheriff or his or her designee not
14 later than September 12, 1999.

15 (c) If the individual is under the jurisdiction of the
16 department of corrections on September 1, 1999 for the listed
17 offense, the department of corrections not later than November 30,
18 1999.

19 (d) If the individual is within the jurisdiction of the family
20 division of circuit court or committed to the family independence
21 agency or county juvenile agency on September 1, 1999 under an
22 order of disposition for the listed offense, the family division of
23 circuit court, the family independence agency, or the county
24 juvenile agency not later than November 30, 1999.

25 (e) If the individual is sentenced or assigned to youthful
26 trainee status for that offense after September 1, 1999, the
27 probation officer shall register the individual before sentencing

1 or assignment.

2 (f) If the individual's probation or parole for the listed
3 offense is transferred to this state after September 1, 1999, the
4 probation or parole officer shall register the individual within 14
5 days after the transfer.

6 (g) If the individual is placed within the jurisdiction of the
7 family division of circuit court or committed to the family
8 independence agency for the listed offense after September 1, 1999,
9 the family division of circuit court shall register the individual
10 before the order of disposition is entered.

11 (5) Subject to section 3, an individual convicted of a listed
12 offense in this state after October 1, 1995 shall register before
13 sentencing, entry of the order of disposition, or assignment to
14 youthful trainee status. The probation officer or the family
15 division of circuit court shall give the individual the
16 registration form after the individual is convicted, explain the
17 duty to register and to pay a registration fee—**FEES**, to verify his
18 or her address, and to provide notice of address changes, and
19 accept the completed registration for processing under section 6.
20 The court shall not impose sentence, enter the order of
21 disposition, or, before October 1, 2004, assign the individual to
22 youthful trainee status, until it determines that the individual's
23 registration was forwarded to the department as required under
24 section 6.

25 (6) All of the following shall register with the local law
26 enforcement agency, sheriff's department, or the department within
27 14 days after becoming domiciled or temporarily residing, working,

1 or being a student in this state for the periods specified in
2 section 3(1):

3 (a) Subject to section 3(1), an individual convicted in
4 another state or country after October 1, 1995 of a listed offense
5 as defined before September 1, 1999.

6 (b) Subject to section 3(2), an individual convicted in
7 another state or country of an offense added on September 1, 1999
8 to the definition of listed offenses.

9 (c) An individual required to be registered as a sex offender
10 in another state or country regardless of when the conviction was
11 entered.

12 Sec. 4a. (1) An individual required to be registered under
13 this act who is not a resident of this state shall report his or
14 her status in person to the local law enforcement agency or
15 sheriff's department having jurisdiction over a campus of an
16 institution of higher education, or to the department post nearest
17 to that campus, if any of the following occur:

18 (a) Regardless of whether he or she is financially compensated
19 or receives any governmental or educational benefit, the individual
20 is or becomes a full- or part-time employee, contractual provider,
21 or volunteer with that institution of higher education and his or
22 her position will require that he or she be present on that campus
23 for 14 or more consecutive days or 30 or more total days in a
24 calendar year.

25 (b) The individual is or becomes an employee of a contractual
26 provider described in subdivision (a) and his or her position will
27 require that he or she be present on that campus for 14 or more

1 consecutive days or 30 or more total days in a calendar year.

2 (c) The status described in subdivision (a) or (b) is
3 discontinued.

4 (d) The individual changes the campus on which he or she is an
5 employee, a contractual provider, an employee of a contractual
6 provider, or a volunteer as described in subdivision (a) or (b).

7 (e) The individual is or enrolls as a student with that
8 institution of higher education or the individual discontinues that
9 enrollment.

10 (f) As part of his or her course of studies at an institution
11 of higher education in this state, the individual is present at any
12 other location in this state, another state, a territory or
13 possession of the United States, or another country for 14 or more
14 consecutive days or 30 or more total days in a calendar year, or
15 the individual discontinues his or her studies at that location.

16 (2) An individual required to be registered under this act who
17 is a resident of this state shall report his or her status in
18 person to the local law enforcement agency or sheriff's department
19 having jurisdiction where his or her new residence or domicile is
20 located or the department post nearest to the individual's new
21 residence or domicile, if any of the events described under
22 subsection (1) occur.

23 (3) The report required under subsections (1) and (2) shall be
24 made as follows:

25 (a) For an individual registered under this act before October
26 1, 2002 who is required to make his or her first report under
27 subsections (1) and (2), not later than January 15, 2003.

1 (b) For an individual who is an employee, a contractual
2 provider, an employee of a contractual provider, or a volunteer on
3 that campus on October 1, 2002, or who is a student on that campus
4 on October 1, 2002, who is subsequently required to register under
5 this act, on the date he or she is required to register under this
6 act.

7 (c) Except as provided under subdivisions (a) and (b), within
8 10 days after the individual becomes an employee, a contractual
9 provider, an employee of a contractual provider, or a volunteer on
10 that campus, or discontinues that status, or changes location, or
11 within 10 days after he or she enrolls or discontinues his or her
12 enrollment as a student on that campus including study in this
13 state or another state, a territory or possession of the United
14 States, or another country.

15 (4) The additional registration reports required under this
16 section shall be made in the time periods described in section
17 5a(4)(a) and (b) for reports under that section.

18 (5) The local law enforcement agency, sheriff's department, or
19 department post to which an individual reports under this section
20 shall require the individual to pay the registration ~~fee~~**FEEES**
21 required under ~~section~~**SECTIONS** 5a ~~or section~~**AND** 7(1) and to
22 present written documentation of employment status, contractual
23 relationship, volunteer status, or student status. Written
24 documentation under this subsection may include, but need not be
25 limited to, any of the following:

26 (a) A W-2 form, pay stub, or written statement by an employer.

27 (b) A contract.

1 (c) A student identification card or student transcript.

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

9 (2) Upon the release of an individual registered under this
10 act who is in a state correctional facility, the department of
11 corrections shall provide written notice to that individual
12 explaining his or her duties under ~~this section and this act as~~
13 ~~amended~~ and the procedure for registration, notification, and
14 verification and payment of the registration fee—**FEES** prescribed
15 under subsection (7) ~~or~~ **AND** section 7(1). The individual shall sign
16 and date the notice. The department of corrections shall maintain a
17 copy of the signed and dated notice in the individual's file. The
18 department of corrections shall forward the original notice to the
19 department within 30 days, regardless of whether the individual
20 signs it.

21 (3) Not later than January 15, 2000, an individual registered
22 under this act who is not incarcerated shall report in person to
23 the local law enforcement agency or sheriff's department having
24 jurisdiction where he or she is domiciled or resides or to the
25 department post in or nearest to the county where he or she is
26 domiciled or resides. The individual shall present proof of
27 domicile or residence and update any information that changed since

1 registration, including information that is required to be reported
2 under section 4a. An individual registered under this act who is
3 incarcerated on January 15, 2000 shall report under this subsection
4 not less than 10 days after he or she is released.

5 (4) Except as provided in subsection (5), following initial
6 verification under subsection (3), or registration under this act
7 after January 15, 2000, an individual required to be registered
8 under this act who is not incarcerated shall report in person to
9 the local law enforcement agency or sheriff's department having
10 jurisdiction where he or she is domiciled or resides or to the
11 department post in or nearest to the county where he or she is
12 domiciled or resides for verification of domicile or residence as
13 follows:

14 (a) If the person is registered only for 1 or more listed
15 offenses that are misdemeanors, not earlier than January 1 or later
16 than January 15 of each year after the initial verification or
17 registration. **THE INDIVIDUAL SHALL PAY A \$25.00 REGISTRATION FEE TO**
18 **THE LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT FOR EACH**
19 **VERIFICATION REQUIRED UNDER THIS SUBDIVISION.** As used in this
20 subdivision, "misdemeanor" means that term as defined in section 1
21 of chapter I of the code of criminal procedure, 1927 PA 175, MCL
22 761.1.

23 (b) If the person is registered for 1 or more listed offenses
24 that are felonies, not earlier than the first day or later than the
25 fifteenth day of each April, July, October, and January following
26 initial verification or registration. **THE INDIVIDUAL SHALL PAY A**
27 **\$25.00 REGISTRATION FEE TO THE LAW ENFORCEMENT AGENCY OR SHERIFF'S**

1 **DEPARTMENT FOR EACH VERIFICATION REQUIRED UNDER THIS SUBDIVISION.**

2 As used in this subdivision, "felony" means that term as defined in
3 section 1 of chapter I of the code of criminal procedure, 1927 PA
4 175, MCL 761.1.

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

16 (6) When an individual reports under subsection (3) or (4), an
17 officer or authorized employee of the local law enforcement agency,
18 sheriff's department, or department post shall verify the
19 individual's residence or domicile and any information required to
20 be reported under section 4a. The officer or authorized employee
21 shall sign and date a verification form. The officer shall give a
22 copy of the signed form showing the date of verification to the
23 individual. The officer or employee shall forward verification
24 information to the department by the law enforcement information
25 network in the manner the department prescribes. The department
26 shall revise the databases maintained under section 8 as necessary
27 and shall indicate verification in the compilation under section

1 8(2).

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

8 (8) An individual required to be registered under this act
9 shall maintain either a valid operator's or chauffeur's license
10 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
11 257.923, or an official state personal identification card issued
12 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
13 current address. The license or card may be used as proof of
14 domicile or residence under this section. In addition, the officer
15 or authorized employee may require the individual to produce
16 another document bearing his or her name and address, including,
17 but not limited to, voter registration or a utility or other bill.
18 The department may specify other satisfactory proof of domicile or
19 residence.

20 (9) Not earlier than January 1, 2000 or later than January 15,
21 2000, an individual registered under this act who is not
22 incarcerated shall report in person to a secretary of state office
23 and have his or her digitized photograph taken. An individual
24 registered under this act who is incarcerated on January 15, 2000
25 shall report under this subsection not less than 10 days after he
26 or she is released. The individual is not required to report under
27 this subsection if he or she had a digitized photograph taken for

1 an operator's or chauffeur's license or official state personal
2 identification card before January 1, 2000, or within 2 years
3 before he or she is released. The photograph shall be used on the
4 individual's operator's or chauffeur's license or official state
5 personal identification card. The individual shall have a new
6 photograph taken when he or she renews the license or
7 identification card as provided by law. The secretary of state
8 shall make the digitized photograph available to the department for
9 a registration under this act.

10 (10) If an individual does not report under subsection (3) or
11 (4) or section 4a, the department shall notify the local law
12 enforcement agency, sheriff's department, or department post. An
13 appearance ticket may be issued for the individual's failure to
14 report as provided in sections 9a to 9g of chapter IV of the code
15 of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

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

18 Sec. 5b. (1) Of the money collected by a court, local law
19 enforcement agency, sheriff's department, or department post from
20 each **ORIGINAL** registration fee prescribed under this act, \$25.00
21 shall be forwarded to the department, which shall deposit the money
22 in the sex offenders registration fund created under subsection
23 (2), and \$10.00 shall be retained by the court, local law
24 enforcement agency, sheriff's department, or department post. **OF**
25 **THE MONEY COLLECTED BY A LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S**
26 **DEPARTMENT FROM A SUBSEQUENT REGISTRATION FEE COLLECTED UNDER**
27 **SECTION 5A(4) (A) OR (B), \$15.00 SHALL BE FORWARDED TO THE**

1 DEPARTMENT, WHICH SHALL DEPOSIT THE MONEY IN THE SEX OFFENDERS
2 REGISTRATION FUND CREATED UNDER SUBSECTION (2), AND \$10.00 SHALL BE
3 RETAINED BY THE LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT TO
4 ENHANCE LAW ENFORCEMENT EFFORTS RELATING TO THE PREVENTION AND
5 INVESTIGATION OF LISTED OFFENSES.

6 (2) The sex offenders registration fund is created as a
7 separate fund in the department of treasury. The state treasurer
8 shall credit the money received from the payment of the
9 registration fee—**FEES** prescribed under this act to the sex
10 offenders registration fund. Money credited to the fund shall only
11 be used by the department for training concerning, and the
12 maintenance and automation of, the databases, compilation, and
13 information required under section 8. Money in the sex offenders
14 registration fund at the close of the fiscal year shall remain in
15 the fund and shall not lapse to the general fund.

16 (3) If an individual required to pay a registration fee under
17 this act is indigent, the registration fee shall be temporarily
18 waived. The burden is on the individual claiming indigence to prove
19 the fact of indigence to the satisfaction of the local law
20 enforcement agency, sheriff's department, or department post where
21 the individual is reporting.

22 (4) Payment of the registration fee—**FEES** prescribed under this
23 act shall be made in the form and by means prescribed by the
24 department. Upon payment of the—**A** registration fee prescribed under
25 this act, the officer or employee shall forward verification of the
26 payment to the department by the law enforcement information
27 network in the manner the department prescribes. The department

1 shall revise the databases maintained under section 8 as necessary
2 and shall indicate verification of payment in the compilation under
3 section 8(2).

4 Sec. 7. (1) A registration under this act shall be made on a
5 form provided by the department and shall be forwarded to the
6 department in the format the department prescribes, along with a
7 \$35.00 registration fee for each original registration **AND \$25.00**
8 **FOR EACH ADDITIONAL REGISTRATION REQUIRED UNDER SECTION 5A(4) (A) OR**
9 **(B)**, except as otherwise provided in section 5b. A registration
10 shall contain all of the following:

11 (a) The individual's name, social security number, date of
12 birth, and address or expected address. An individual who is in a
13 witness protection and relocation program is only required to use
14 the name and identifying information reflecting his or her new
15 identity in a registration under this act. The registration and
16 compilation databases shall not contain any information identifying
17 the individual's prior identity or locale. The department shall
18 request each individual to provide his or her date of birth if it
19 is not included in the registration, and that individual shall
20 comply with the request within 10 days.

21 (b) A brief summary of the individual's convictions for listed
22 offenses regardless of when the conviction occurred, including
23 where the offense occurred and the original charge if the
24 conviction was for a lesser offense.

25 (c) A complete physical description of the individual.

26 (d) The photograph required under section 5a.

27 (e) The individual's fingerprints if not already on file with

1 the department. An individual required to be registered on
2 September 1, 1999 shall have his or her fingerprints taken not
3 later than September 12, 1999 if not already on file with the
4 department. The department shall forward a copy of the individual's
5 fingerprints to the federal bureau of investigation if not already
6 on file with that bureau.

7 (f) Information that is required to be reported under section
8 4a.

9 (2) A registration may contain the individual's blood type and
10 whether a DNA identification profile of the individual is
11 available.

12 (3) The form used for registration or verification under this
13 act shall contain a written statement that explains the duty of the
14 individual being registered to provide notice of a change of
15 address under section 5, the procedures for providing that notice,
16 and the verification procedures under section 5a.

17 (4) The individual shall sign a registration, notice, and
18 verification. However, the registration, notice, or verification
19 shall be forwarded to the department regardless of whether the
20 individual signs it or pays the registration fee required under
21 subsection (1).

22 (5) The officer, court, or an employee of the agency
23 registering the individual or receiving or accepting a registration
24 under section 4 shall sign the registration form.

25 (6) An individual shall not knowingly provide false or
26 misleading information concerning a registration, notice, or
27 verification.

1 (7) The department shall prescribe the form for a notification
2 required under section 5 and the format for forwarding the
3 notification to the department.

4 (8) The department shall promptly provide registration,
5 notice, and verification information to the federal bureau of
6 investigation and to local law enforcement agencies, sheriff's
7 departments, department posts, and agencies of other states
8 requiring the information, as provided by law.

9 Sec. 9. (1) Except as provided in subsections (2), (3), and
10 (4), an individual required to be registered under this act who
11 willfully violates this act is guilty of a felony punishable as
12 follows:

13 (a) If the individual has no prior convictions for a violation
14 of this act, other than a failure to comply with section 5a, by
15 imprisonment for not more than 4 years or a fine of not more than
16 \$2,000.00, or both.

17 (b) If the individual has 1 prior conviction for a violation
18 of this act, other than a failure to comply with section 5a, by
19 imprisonment for not more than 7 years or a fine of not more than
20 \$5,000.00, or both.

21 (c) If the individual has 2 or more prior convictions for
22 violations of this act, other than a failure to comply with section
23 5a, by imprisonment for not more than 10 years or a fine of not
24 more than \$10,000.00, or both.

25 (2) An individual who fails to comply with section 5a, other
26 than payment of ~~the~~ **A REGISTRATION** fee, ~~required under section~~
27 ~~5a(7)~~ is guilty of a crime punishable as follows:

1 (a) If the individual has no prior convictions for a violation
2 of this act, the individual is guilty of a misdemeanor punishable
3 by imprisonment for not more than 93 days or a fine of not more
4 than \$1,000.00, or both.

5 (b) If the individual has 1 prior conviction for a violation
6 of this act, the individual is guilty of a misdemeanor punishable
7 by imprisonment for not more than 1 year or a fine of not more than
8 \$2,000.00, or both.

9 (c) If the individual has 2 or more prior convictions for a
10 violation of this act, the individual is guilty of a felony
11 punishable by imprisonment for not more than 4 years or a fine of
12 not more than \$2,500.00, or both.

13 (3) An individual who willfully fails to sign a registration,
14 notice, or verification as provided in section 7(4) is guilty of a
15 misdemeanor punishable by imprisonment for not more than 93 days or
16 a fine of not more than \$1,000.00, or both.

17 (4) An individual who willfully refuses or fails to pay ~~the A~~
18 ~~registration fee prescribed in section 5a(7) or section 7(1)~~ within
19 90 days of the date the individual reports under section 4a or 5a
20 is guilty of a misdemeanor punishable by imprisonment for not more
21 than 90 days.

22 (5) The court shall revoke the probation of an individual
23 placed on probation who willfully violates this act.

24 (6) The court shall revoke the youthful trainee status of an
25 individual assigned to youthful trainee status who willfully
26 violates this act.

27 (7) The parole board shall rescind the parole of an individual

1 released on parole who willfully violates this act.

2 (8) An individual's failure to register as required by this
3 act or a violation of section 5(1), (3), or (4) may be prosecuted
4 in the judicial district of any of the following:

5 (a) The individual's last registered address or residence.

6 (b) The individual's actual address or residence.

7 (c) Where the individual was arrested for the violation.