

SENATE BILL No. 1560

November 3, 2010, Introduced by Senator KUIPERS and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 2, 3, 4, 4a, 5, 5a, 5b, 6, 7, 8, 8c, 8d, 9,
and 10 (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a,
28.725b, 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and
28.730), section 2 as amended by 2005 PA 301, section 3 as amended
by 1999 PA 85, sections 4 and 8 as amended and sections 8c and 8d
as added by 2004 PA 240, sections 4a and 7 as amended and section
5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402,
section 5a as amended by 2005 PA 322, section 6 as amended by 1996
PA 494, section 9 as amended by 2005 PA 132, and section 10 as
amended by 2006 PA 46, and by adding section 8a; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 **(A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE**
3 **AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.2.**

4 **(B)** ~~(a)~~ "Convicted" means 1 of the following:

5 (i) Having a judgment of conviction or a probation order
6 entered in any court having jurisdiction over criminal offenses,
7 including, but not limited to, a tribal court or a military court,
8 and including a conviction subsequently set aside under 1965 PA
9 213, MCL 780.621 to 780.624.

10 ~~(ii) Either of the following:~~

11 **(ii)** ~~(A)~~ Being assigned to youthful trainee status under
12 sections 11 to 15 of chapter II of the code of criminal procedure,
13 1927 PA 175, MCL 762.11 to 762.15. ~~, before October 1, 2004.~~

14 ~~(B) Being assigned to youthful trainee status under sections~~
15 ~~11 to 15 of chapter II of the code of criminal procedure, 1927 PA~~
16 ~~175, MCL 762.11 to 762.15, on or after October 1, 2004 if the~~
17 ~~individual's status of youthful trainee is revoked and an~~
18 ~~adjudication of guilt is entered.~~

19 (iii) Having an order of disposition entered under section 18 of
20 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
21 that is open to the general public under section 28 of chapter XIIA
22 of the probate code of 1939, 1939 PA 288, MCL 712A.28, ~~—IF BOTH~~
23 **THE FOLLOWING APPLY:**

24 **(A) THE INDIVIDUAL IS 14 YEARS OR OLDER AT THE TIME OF THE**
25 **OFFENSE.**

26 **(B) THE ADJUDICATION OF DELINQUENCY OR FINDING OF GUILT IS FOR**
27 **THE COMMISSION OF AN OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL AS**

1 A TIER III OFFENDER.

2 (iv) Having an order of disposition or other adjudication in a
3 juvenile matter in another state or country.

4 (C) ~~(b)~~—"Department" means the department of state police.

5 (D) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS SELF-EMPLOYED OR
6 WORKS FOR ANY OTHER ENTITY AS A FULL-TIME OR PART-TIME EMPLOYEE,
7 CONTRACTUAL PROVIDER, OR VOLUNTEER, REGARDLESS OF WHETHER HE OR SHE
8 IS FINANCIALLY COMPENSATED.

9 (E) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
10 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 174, MCL
11 761.1.

12 (F) "IMMEDIATELY" MEANS WITHIN 3 BUSINESS DAYS.

13 (G) "INDIGENT" MEANS AN INDIVIDUAL TO WHOM 1 OR MORE OF THE
14 FOLLOWING APPLIES:

15 (i) HE OR SHE HAS BEEN FOUND BY A COURT TO BE INDIGENT WITHIN
16 THE LAST 6 MONTHS.

17 (ii) HE OR SHE QUALIFIES FOR AND RECEIVES ASSISTANCE FROM THE
18 DEPARTMENT OF HUMAN SERVICES FOOD ASSISTANCE PROGRAM.

19 (iii) HE OR SHE DEMONSTRATES AN ANNUAL INCOME BELOW THE CURRENT
20 FEDERAL POVERTY GUIDELINES.

21 (H) ~~(e)~~—"Institution of higher education" means 1 or more of
22 the following:

23 (i) A public or private community college, college, or
24 university.

25 (ii) A public or private trade, vocational, or occupational
26 school.

27 (I) ~~(d)~~—"Local law enforcement agency" means the police

department of a municipality.

(J) ~~(e)~~ "Listed offense" means any of the following:

(i) A violation of section 145a, 145b, ~~or 145c~~, **OR 145D** of the Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c, **AND 750.145D**.

(ii) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is ~~an individual less than 18 years of age~~ **A MINOR**.

~~(iii) A violation of section 335a(2)(b) of the Michigan penal code, 1931 PA 328, MCL 750.335a, if that individual was previously convicted of violating section 335a of that act.~~

~~(iv) A third or subsequent violation of any combination of the following:~~

~~(A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328, MCL 750.167.~~

~~(B) Section 335a(2)(a) of the Michigan penal code, 1931 PA 328, MCL 750.335a.~~

~~(C) A local ordinance of a municipality substantially corresponding to a section described in sub subparagraph (A) or (B).~~

(iii) A VIOLATION OF SECTION 335A(2)(B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A, IF A VICTIM IS A MINOR.

~~(iv) (v) Except for a juvenile disposition or adjudication, a A violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age~~ **A MINOR**.

~~(v) (vi)~~ A violation of section 349 of the Michigan penal code,

1 1931 PA 328, MCL 750.349, if a victim is ~~an individual less than 18~~
2 ~~years of age~~ **A MINOR**.

3 (vi) ~~(vii)~~ A violation of section 350 of the Michigan penal
4 code, 1931 PA 328, MCL 750.350.

5 (vii) ~~(viii)~~ A violation of section 448 of the Michigan penal
6 code, 1931 PA 328, MCL 750.448, if a victim is ~~an individual less~~
7 ~~than 18 years of age~~ **A MINOR**.

8 (viii) ~~(ix)~~ A violation of section 455 of the Michigan penal
9 code, 1931 PA 328, MCL 750.455.

10 (ix) ~~(x)~~ A violation of section 520b, 520c, 520d, 520e, or 520g
11 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
12 750.520d, 750.520e, and 750.520g.

13 (x) **A VIOLATION OF SECTION 539J OF THE MICHIGAN PENAL CODE,**
14 **1931 PA 328, MCL 750.539J, IF A VICTIM IS A MINOR.**

15 (xi) Any other violation of a law of this state or a local
16 ordinance of a municipality that by its nature constitutes a sexual
17 offense against an individual who is ~~less than 18 years of age~~ **A**
18 **MINOR**.

19 (xii) An offense committed by a person who was, at the time of
20 the offense, a sexually delinquent person as defined in section 10a
21 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

22 (xiii) An attempt or conspiracy to commit an offense described
23 in subparagraphs (i) to (xii).

24 (xiv) An offense substantially similar to an offense described
25 in subparagraphs (i) to (xiii) under a law of the United States **THAT**
26 **IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF** any
27 state ~~,~~ or any country, or under tribal or military law.

1 (K) "MINOR" MEANS A VICTIM OF A LISTED OFFENSE WHO WAS LESS
2 THAN 18 YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED.

3 (I) ~~(f)~~—"Municipality" means a city, village, or township of
4 this state.

5 (M) "REGISTERING AUTHORITY" MEANS ANY PERSON OR ENTITY
6 DESIGNATED TO RECEIVE, ENTER, OR MAINTAIN SEX OFFENDER REGISTRATION
7 INFORMATION WITHIN A REGISTRATION JURISDICTION.

8 (N) "REGISTRATION JURISDICTION" MEANS EACH OF THE 50 STATES,
9 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, GUAM,
10 THE NORTHERN MARIANA ISLANDS, THE UNITED STATES VIRGIN ISLANDS,
11 AMERICAN SAMOA, AND THE INDIAN TRIBES WITHIN THE UNITED STATES THAT
12 ELECT TO FUNCTION AS A REGISTRATION JURISDICTION.

13 (O) ~~(g)~~—"Residence", as used in this act, for registration and
14 voting purposes means that place at which a person habitually
15 sleeps, keeps his or her personal effects, and has a regular place
16 of lodging. If a person has more than 1 residence, or if a wife has
17 a residence separate from that of the husband, that place at which
18 the person resides the greater part of the time shall be his or her
19 official residence for the purposes of this act. This section shall
20 not be construed to affect existing judicial interpretation of the
21 term residence.

22 (P) ~~(h)~~—"Student" means an individual enrolled on a full- or
23 part-time basis in a public or private educational institution,
24 including, but not limited to, a secondary school, trade school,
25 professional institution, or institution of higher education.

26 (Q) "TIER I OFFENDER" MEANS AN INDIVIDUAL CONVICTED OF A TIER
27 1 OFFENSE WHO IS NOT A TIER II OR TIER III OFFENDER.

(R) "TIER I OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

(i) A VIOLATION OF SECTION 145C(4) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145C.

(ii) A VIOLATION OF SECTION 335A(2) (B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A, IF A VICTIM IS A MINOR.

(iii) A VIOLATION OF SECTION 539J OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.539J, IF A VICTIM IS A MINOR.

(iv) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN SUBPARAGRAPHS (i) TO (iii).

(v) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED IN SUBPARAGRAPHS (i) TO (iv) UNDER A LAW OF THE UNITED STATES THAT IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY STATE OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

(S) "TIER II OFFENDER" MEANS EITHER OF THE FOLLOWING:

(i) A TIER I OFFENDER CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE THAT IS A TIER I OFFENSE.

(ii) AN INDIVIDUAL CONVICTED OF A TIER II OFFENSE WHO IS NOT A TIER III OFFENDER.

(T) "TIER II OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

(i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145A.

(ii) A VIOLATION OF SECTION 145B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145B.

(iii) A VIOLATION OF SECTION 145C(2) OR (3) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145C.

(iv) A VIOLATION OF SECTION 145D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145D.

1 (v) A VIOLATION OF SECTION 338, 338A, OR 338B OF THE MICHIGAN
2 PENAL CODE, 1931 PA 328, MCL 750.338, 750.338A, AND 750.338B,
3 COMMITTED AGAINST AN INDIVIDUAL 13 YEARS OF AGE OR OLDER BUT LESS
4 THAN 18 YEARS OF AGE.

5 (vi) A VIOLATION OF SECTION 455 OF THE MICHIGAN PENAL CODE,
6 1931 PA 328, MCL 750.455.

7 (vii) A VIOLATION OF SECTION 520C, 520E, OR 520G(2) OF THE
8 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, 750.520E, AND
9 750.520G, COMMITTED AGAINST AN INDIVIDUAL 13 YEARS OF AGE OR OLDER
10 BUT LESS THAN 18 YEARS OF AGE.

11 (viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
12 IN SUBPARAGRAPHS (i) TO (vii) .

13 (ix) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
14 IN SUBPARAGRAPHS (i) TO (viii) UNDER A LAW OF THE UNITED STATES THAT
15 IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY
16 STATE OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

17 (U) "TIER III OFFENDER" MEANS EITHER OF THE FOLLOWING:

18 (i) A TIER II OFFENDER CONVICTED OF A SECOND OR SUBSEQUENT
19 OFFENSE THAT IS A TIER I OR II OFFENSE.

20 (ii) AN INDIVIDUAL CONVICTED OF A TIER III OFFENSE.

21 (V) "TIER III OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

22 (i) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE, 1931
23 PA 328, MCL 750.158, COMMITTED AGAINST A MINOR.

24 (ii) A VIOLATION OF SECTION 338, 338A, OR 338B OF THE MICHIGAN
25 PENAL CODE, 1931 PA 328, MCL 750.338, 750.338A, AND 750.338B,
26 COMMITTED AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF AGE.

27 (iii) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,

1 1931 PA 328, MCL 750.349, COMMITTED AGAINST A MINOR.

2 (iv) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,
3 1931 PA 328, MCL 750.350.

4 (v) A VIOLATION OF SECTION 520B, 520D, OR 520G(1) OF THE
5 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520D, AND
6 750.520G, COMMITTED AGAINST A MINOR.

7 (vi) A VIOLATION OF SECTION 520C, 520E, OR 520G(2) OF THE
8 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, MCL 750.520E, AND
9 750.520G, COMMITTED AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF
10 AGE.

11 (vii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
12 IN SUBPARAGRAPHS (i) TO (vi) .

13 (viii) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
14 IN SUBPARAGRAPHS (i) TO (vii) UNDER A LAW OF THE UNITED STATES THAT
15 IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY
16 STATE OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

17 (W) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF THE
18 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.

19 (X) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 44501 OF
20 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
21 451, MCL 324.44501.

22 Sec. 3. (1) Subject to subsection (2), the following
23 individuals who are domiciled or temporarily reside in this state
24 ~~for 14 or more consecutive days, OR~~ who work with or without
25 compensation or are students in this state ~~for 14 or more~~
26 ~~consecutive days, or who are domiciled, reside, or work with or~~
27 ~~without compensation or are students in this state for 30 or more~~

1 ~~total days in a calendar year~~ are required to be registered under
2 this act:

3 (a) An individual who is convicted of a listed offense after
4 October 1, 1995.

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

17 (c) An individual convicted of an offense described in section
18 2(d) *(xiii)* on or before October 1, 1995 if on October 1, 1995 he or
19 she is on probation or parole that has been transferred to this
20 state for that offense or his or her probation or parole is
21 transferred to this state after October 1, 1995 for that offense.

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

25 **(E) AN INDIVIDUAL CONVICTED OF A LISTED OFFENSE BEFORE APRIL**
26 **1, 2011 WHO IS CONVICTED OF ANY FELONY ON OR AFTER APRIL 1, 2011.**

27 (2) An individual convicted of an offense added on September

1 1, 1999 to the definition of listed offense is not required to be
2 registered solely because of that listed offense unless 1 of the
3 following applies:

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

6 (b) On September 1, 1999, the individual is on probation or
7 parole, committed to jail, committed to the jurisdiction of the
8 department of corrections, under the jurisdiction of the family
9 division of circuit court, or committed to the ~~family independence~~

10 ~~agency-DEPARTMENT OF HUMAN SERVICES~~ for that offense or the
11 individual is placed on probation or parole, committed to jail,
12 committed to the jurisdiction of the department of corrections,
13 placed under the jurisdiction of the family division of circuit
14 court, or committed to the ~~family independence agency-DEPARTMENT OF~~
15 **HUMAN SERVICES** on or after September 1, 1999 for that offense.

16 (c) On September 1, 1999, the individual is on probation or
17 parole for that offense which has been transferred to this state or
18 the individual's probation or parole for that offense is
19 transferred to this state after September 1, 1999.

20 (d) On September 1, 1999, in another state or country the
21 individual is on probation or parole, committed to jail, committed
22 to the jurisdiction of the department of corrections or a similar
23 type of state agency, under the jurisdiction of a court that
24 handles matters similar to those handled by the family division of
25 circuit court in this state, or committed to an agency with the
26 same authority as the ~~family independence agency-DEPARTMENT OF~~
27 **HUMAN SERVICES** for that offense.

1 (3) AN INDIVIDUAL CONVICTED OF A LISTED OFFENSE IN THIS STATE
2 ON OR AFTER APRIL 1, 2011 WHO IS NOT DOMICILED OR TEMPORARILY
3 RESIDING, WORKING WITH OR WITHOUT COMPENSATION, OR A STUDENT IN
4 THIS STATE IS NEVERTHELESS REQUIRED TO BE REGISTERED UNDER THIS
5 ACT.

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

8 (2) For an individual convicted of a listed offense on or
9 before October 1, 1995 who on or before October 1, 1995 is
10 sentenced for that offense, has a disposition entered for that
11 offense, or is assigned to youthful trainee status for that
12 offense, the following shall register the individual by December
13 31, 1995:

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

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

18 (c) If the individual is under the jurisdiction of the
19 department of corrections for the listed offense, the department of
20 corrections.

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

23 (e) If the individual is within the jurisdiction of the
24 juvenile division of the probate court or the department of social
25 services under an order of disposition for the listed offense, the
26 juvenile division of the probate court or the department of social
27 services.

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

3 (a) If the individual is sentenced for that offense after
4 October 1, 1995 or assigned to youthful trainee status after
5 October 1, 1995, the probation officer shall register the
6 individual before sentencing or assignment.

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

10 (c) If the individual is placed within the jurisdiction of the
11 juvenile division of the probate court or family division of
12 circuit court or committed to the department of social services or
13 family independence agency under an order of disposition entered
14 after October 1, 1995, the juvenile division of the probate court
15 or family division of circuit court shall register the individual
16 before the order of disposition is entered.

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

20 (a) If the individual is on probation or parole on September
21 1, 1999 for the listed offense, the individual's probation or
22 parole officer not later than September 12, 1999.

23 (b) If the individual is committed to jail on September 1,
24 1999 for the listed offense, the sheriff or his or her designee not
25 later than September 12, 1999.

26 (c) If the individual is under the jurisdiction of the
27 department of corrections on September 1, 1999 for the listed

1 offense, the department of corrections not later than November 30,
2 1999.

3 (d) If the individual is within the jurisdiction of the family
4 division of circuit court or committed to the family independence
5 agency or county juvenile agency on September 1, 1999 under an
6 order of disposition for the listed offense, the family division of
7 circuit court, the family independence agency, or the county
8 juvenile agency not later than November 30, 1999.

9 (e) If the individual is sentenced or assigned to youthful
10 trainee status for that offense after September 1, 1999, the
11 probation officer shall register the individual before sentencing
12 or assignment.

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

17 (g) If the individual is placed within the jurisdiction of the
18 family division of circuit court or committed to the family
19 independence agency for the listed offense after September 1, 1999,
20 the family division of circuit court shall register the individual
21 before the order of disposition is entered.

22 (5) FOR AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED
23 OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS
24 ACT, BUT WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER APRIL 1,
25 2011, THE FOLLOWING SHALL REGISTER THE INDIVIDUAL FOR THAT LISTED
26 OFFENSE BY JULY 1, 2011:

27 (A) IF THE INDIVIDUAL IS ON PROBATION OR PAROLE ON APRIL 1,

1 2011 FOR THAT OTHER FELONY, THE INDIVIDUAL'S PROBATION OR PAROLE
2 OFFICER.

3 (B) IF THE INDIVIDUAL IS COMMITTED TO JAIL ON APRIL 1, 2011
4 FOR THAT OTHER FELONY, THE SHERIFF OR HIS OR HER DESIGNEE.

5 (C) IF THE INDIVIDUAL IS UNDER THE JURISDICTION OF THE
6 DEPARTMENT OF CORRECTIONS ON APRIL 1, 2011 FOR THAT OTHER FELONY,
7 THE DEPARTMENT OF CORRECTIONS.

8 (D) IF THE INDIVIDUAL IS WITHIN THE JURISDICTION OF THE FAMILY
9 DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY INDEPENDENCE
10 AGENCY OR COUNTY JUVENILE AGENCY ON APRIL 1, 2011 UNDER AN ORDER OF
11 DISPOSITION FOR THAT OTHER FELONY, THE FAMILY DIVISION OF CIRCUIT
12 COURT, THE FAMILY INDEPENDENCE AGENCY, OR THE COUNTY JUVENILE
13 AGENCY.

14 (E) IF THE INDIVIDUAL IS SENTENCED OR ASSIGNED TO YOUTHFUL
15 TRAINEE STATUS FOR THAT OTHER FELONY AFTER APRIL 1, 2011, THE
16 PROBATION OFFICER SHALL REGISTER THE INDIVIDUAL BEFORE SENTENCING
17 OR ASSIGNMENT.

18 (F) IF THE INDIVIDUAL'S PROBATION OR PAROLE FOR THAT OTHER
19 FELONY IS TRANSFERRED TO THIS STATE AFTER APRIL 1, 2011, THE
20 PROBATION OR PAROLE OFFICER SHALL REGISTER THE INDIVIDUAL WITHIN 3
21 DAYS AFTER THE TRANSFER.

22 (G) IF THE INDIVIDUAL IS PLACED WITHIN THE JURISDICTION OF THE
23 FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY
24 INDEPENDENCE AGENCY FOR THAT OTHER FELONY AFTER APRIL 1, 2011, THE
25 FAMILY DIVISION OF CIRCUIT COURT SHALL REGISTER THE INDIVIDUAL
26 BEFORE THE ORDER OF DISPOSITION IS ENTERED.

27 (6) ~~(5)~~—Subject to section 3, an individual convicted of a

1 listed offense in this state after October 1, 1995 **AND AN**
2 **INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED OFFENSE FOR**
3 **WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS ACT, BUT**
4 **WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER APRIL 1, 2011,**
5 shall register before sentencing, entry of the order of
6 disposition, or assignment to youthful trainee status **FOR THAT**
7 **LISTED OFFENSE OR THAT OTHER FELONY.** The probation officer or the
8 family division of circuit court shall give the individual the
9 registration form after the individual is convicted, explain the
10 duty to register ~~and to pay a registration fee, to verify his or~~
11 ~~her address, and to provide notice of address changes,~~ and accept
12 the completed registration for processing under section 6. The
13 court shall not impose sentence, enter the order of disposition, or
14 ~~, before October 1, 2004,~~ assign the individual to youthful trainee
15 status, until it determines that the individual's registration was
16 forwarded to the department as required under section 6.

17 (7) ~~(6)~~ All of the following shall register with the local law
18 enforcement agency, sheriff's department, or the department ~~within~~
19 ~~14 days~~ **IMMEDIATELY** after becoming domiciled or temporarily
20 residing, working, or being a student in this state: ~~for the~~
21 ~~periods specified in section 3(1):~~

22 (a) Subject to section 3(1), an individual convicted in
23 another state or country **ON OR** after October 1, 1995 of a listed
24 offense as defined before September 1, 1999.

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

1 (C) SUBJECT TO SECTION 3(1), AN INDIVIDUAL CONVICTED IN
2 ANOTHER STATE OR COUNTRY OF A LISTED OFFENSE BEFORE OCTOBER 1, 1995
3 AND, SUBJECT TO SECTION 3(2), AN INDIVIDUAL CONVICTED IN ANOTHER
4 STATE OR COUNTRY OF AN OFFENSE ADDED ON SEPTEMBER 1, 1999 TO THE
5 DEFINITION OF LISTED OFFENSES, WHO IS CONVICTED OF ANY OTHER CRIME
6 ON OR AFTER APRIL 1, 2011.

7 (D) ~~(e)~~ An individual required to be registered as a sex
8 offender in another state or country regardless of when the
9 conviction was entered.

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

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

23 ~~—— (b) The individual is or becomes an employee of a contractual~~
24 ~~provider described in subdivision (a) and his or her position will~~
25 ~~require that he or she be present on that campus for 14 or more~~
26 ~~consecutive days or 30 or more total days in a calendar year.~~

27 ~~—— (c) The status described in subdivision (a) or (b) is~~

1 ~~discontinued.~~

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

5 (A) ~~(e)~~ The individual is or enrolls as a student with that
6 institution of higher education or the individual discontinues that
7 enrollment.

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

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

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

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

27 ~~—— (b) For an individual who is an employee, a contractual~~

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

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

14 (4) The additional registration reports required under this
15 section shall be made in the time periods described in section
16 ~~5a(4)(a) and (b)~~ **5A(2)(A) TO (C)** for reports under that section.

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

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

26 (b) A contract.

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

1 Sec. 5. (1) An individual required to be registered under this
2 act **WHO IS A RESIDENT OF THIS STATE** shall notify the local law
3 enforcement agency or sheriff's department having jurisdiction
4 where his or her ~~new~~ residence or domicile is located or the
5 department post of the individual's ~~new~~ residence or domicile
6 ~~within 10 days~~ **IMMEDIATELY** after the **ANY OF THE FOLLOWING OCCUR:**

7 **(A) THE** individual changes or vacates his or her residence ~~7~~
8 **OR** domicile. ~~7, or place of work or education, including any change~~
9 ~~required to be reported under section 4a.~~

10 **(B) THE INDIVIDUAL CHANGES HIS OR HER PLACE OF EMPLOYMENT, OR**
11 **EMPLOYMENT IS DISCONTINUED.**

12 **(C) THE INDIVIDUAL ENROLLS AS A STUDENT WITH AN INSTITUTION OF**
13 **HIGHER EDUCATION, OR ENROLLMENT IS DISCONTINUED.**

14 **(D) THE INDIVIDUAL CHANGES HIS OR HER NAME.**

15 **(E) THE INDIVIDUAL INTENDS TO TEMPORARILY RESIDE AT ANY PLACE**
16 **OTHER THAN HIS OR HER RESIDENCE FOR MORE THAN 7 DAYS.**

17 **(F) THE INDIVIDUAL ESTABLISHES ANY ELECTRONIC MAIL OR INSTANT**
18 **MESSAGE ADDRESS, OR ANY OTHER DESIGNATIONS USED IN INTERNET**
19 **COMMUNICATIONS OR POSTINGS.**

20 **(G) THE INDIVIDUAL PURCHASES OR BEGINS OPERATING ANY VEHICLE,**
21 **OR WHEN OWNERSHIP OR USE OF THE VEHICLE IS DISCONTINUED.**

22 **(H) ANY CHANGE REQUIRED TO BE REPORTED UNDER SECTION 4A.**

23 **(2) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT WHO**
24 **IS NOT A RESIDENT OF THIS STATE SHALL NOTIFY THE LOCAL LAW**
25 **ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT HAVING JURISDICTION**
26 **WHERE HIS OR HER PLACE OF EMPLOYMENT IS LOCATED OR THE DEPARTMENT**
27 **POST OF THE INDIVIDUAL'S PLACE OF EMPLOYMENT IMMEDIATELY AFTER THE**

1 INDIVIDUAL CHANGES HIS OR HER PLACE OF EMPLOYMENT OR EMPLOYMENT IS
2 DISCONTINUED.

3 (3) ~~(2)~~—If an individual who is incarcerated in a state
4 correctional facility and is required to be registered under this
5 act is granted parole or is due to be released upon completion of
6 his or her maximum sentence, the department of corrections, before
7 releasing the individual, shall provide notice of the location of
8 the individual's proposed place of residence or domicile to the
9 sheriff's department having jurisdiction over that location or to
10 the appropriate state police department post.

11 (4) ~~(3) Within 10 days~~ **IMMEDIATELY** after either of the
12 following occurs, the department of corrections shall notify the
13 local law enforcement agency or sheriff's department having
14 jurisdiction over the area to which the individual is transferred
15 or the department post of the transferred residence or domicile of
16 an individual required to be registered under this act:

17 (a) The individual is transferred to a community residential
18 program.

19 (b) The individual is transferred into a minimum custody
20 correctional facility of any kind, including a correctional camp or
21 work camp.

22 (5) ~~(4)~~—An individual required to be registered under this act
23 shall notify the department on a form prescribed by the department
24 ~~not later than 10 days~~ **IMMEDIATELY** before he or she changes his or
25 her domicile or residence to another state. The individual shall
26 indicate the new state and, if known, the new address. The
27 department shall update the registration and compilation databases

1 and promptly notify the appropriate law enforcement agency and any
2 applicable sex or child offender registration authority in the new
3 state.

4 (6) ~~(5)~~—If the probation or parole of an individual required
5 to be registered under this act is transferred to another state or
6 an individual required to be registered under this act is
7 transferred from a state correctional facility to any correctional
8 facility or probation or parole in another state, the department of
9 corrections shall promptly notify the department and the
10 appropriate law enforcement agency and any applicable sex or child
11 offender registration authority in the new state. The department
12 shall update the registration and compilation databases.

13 (7) ~~(6)~~—An individual registered under this act shall comply
14 with the verification procedures and proof of residence procedures
15 prescribed in sections 4a and 5a.

16 (8) ~~(7)~~—Except as **OTHERWISE** provided in ~~subsections (8) and~~
17 ~~(9), an individual~~ **THIS SECTION, A TIER I OFFENDER** shall comply
18 with this section for ~~25~~ **15** years. ~~after the date of initially~~
19 ~~registering or, if the individual is in a state correctional~~
20 ~~facility, for 10 years after release from the state correctional~~
21 ~~facility, whichever is longer.~~

22 (9) ~~(8)~~—Except as **OTHERWISE** provided in ~~subsection (9), an~~
23 ~~individual~~ **THIS SECTION, A TIER II OFFENDER** shall comply with this
24 section for **25 YEARS**. ~~life if the individual is convicted of any of~~
25 ~~the following or a substantially similar offense under a law of the~~
26 ~~United States, any state, or any country or under tribal or~~
27 ~~military law.~~

~~1 (a) A violation of section 520b of the Michigan penal code,
2 1931 PA 328, MCL 750.520b.~~

~~3 (b) A violation of section 520c(1)(a) of the Michigan penal
4 code, 1931 PA 328, MCL 750.520c.~~

~~5 (c) A violation of section 349 of the Michigan penal code,
6 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
7 age.~~

~~8 (d) A violation of section 350 of the Michigan penal code,
9 1931 PA 328, MCL 750.350.~~

~~10 (e) A violation of section 145c(2) or (3) of the Michigan
11 penal code, 1931 PA 328, MCL 750.145c.~~

~~12 (f) An attempt or conspiracy to commit an offense described in
13 subdivisions (a) to (e).~~

~~14 (g) Except as provided in this subdivision, a second or
15 subsequent listed offense after October 1, 1995 regardless of when
16 any earlier listed offense was committed. An individual is not
17 required to comply with this section for life if his or her first
18 or second listed offense is for a conviction on or before September
19 1, 1999 for an offense that was added on September 1, 1999 to the
20 definition of listed offense, unless he or she is convicted of a
21 subsequent listed offense after September 1, 1999.~~

~~22 (9) An individual who is ordered to register as provided in
23 section 8d shall register subject to that section.~~

**24 (10) EXCEPT AS PROVIDED IN THIS SECTION, A TIER III OFFENDER
25 SHALL COMPLY WITH THIS SECTION FOR LIFE.**

**26 (11) THE REGISTRATION PERIODS UNDER THIS SECTION EXCLUDE ANY
27 PERIOD OF INCARCERATION FOR COMMITTING A CRIME AND ANY PERIOD OF**

1 CIVIL COMMITMENT.

2 (12) FOR AN INDIVIDUAL CONVICTED OF A LISTED OFFENSE BEFORE
3 APRIL 1, 2011 WHO IS CONVICTED OF ANY FELONY ON OR AFTER APRIL 1,
4 2011, ANY PERIOD OF TIME THAT HE OR SHE WAS NOT INCARCERATED FOR
5 THAT LISTED OFFENSE OR THAT OTHER FELONY AND WAS NOT CIVILLY
6 COMMITTED COUNT TOWARD SATISFYING THE REGISTRATION PERIOD FOR THAT
7 LISTED OFFENSE AS DESCRIBED IN THIS SECTION. IF THOSE PERIODS EQUAL
8 OR EXCEED THE REGISTRATION PERIOD DESCRIBED IN THIS SECTION, THE
9 INDIVIDUAL HAS SATISFIED HIS OR HER REGISTRATION PERIOD FOR THE
10 LISTED OFFENSE AND IS NOT REQUIRED TO REGISTER UNDER THIS ACT. IF
11 THOSE PERIODS ARE LESS THAN THE REGISTRATION PERIOD DESCRIBED IN
12 THIS SECTION FOR THAT LISTED OFFENSE, THE INDIVIDUAL SHALL COMPLY
13 WITH THIS SECTION FOR THE PERIOD OF TIME REMAINING.

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

21 (1) ~~(2)~~ Upon the release of an individual registered under
22 this act who is in a state correctional facility, the department of
23 corrections shall provide written notice to that individual
24 explaining his or her duties under this section and this act as
25 amended and the procedure for registration, notification, and
26 verification and payment of the registration fee prescribed under
27 subsection ~~(7)~~ (5) or section 7(1). The individual shall sign and

1 date the notice. The department of corrections shall maintain a
2 copy of the signed and dated notice in the individual's file. The
3 department of corrections shall forward the original notice to the
4 department ~~within 30 days~~ **IMMEDIATELY**, regardless of whether the
5 individual signs it.

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

17 (2) ~~(4) Except as provided in subsection (5), following~~
18 ~~initial verification under subsection (3), or registration under~~
19 ~~this act after January 15, 2000, an~~ **AN** individual required to be
20 registered under this act who is not incarcerated shall report in
21 person to the local law enforcement agency or sheriff's department
22 having jurisdiction where he or she is domiciled or resides or to
23 the department post in or nearest to the county where he or she is
24 domiciled or resides for verification of domicile or residence as
25 follows:

26 (a) ~~If the person is registered only for 1 or more listed~~
27 ~~offenses that are misdemeanors,~~ **A TIER I OFFENDER SHALL REPORT** not

1 earlier than January 1 or later than January 15 of each year after
2 the initial verification or registration. ~~As used in this~~
3 ~~subdivision, "misdemeanor" means that term as defined in section 1~~
4 ~~of chapter I of the code of criminal procedure, 1927 PA 175, MCL~~
5 ~~761.1.~~

6 (B) A TIER II OFFENDER SHALL REPORT NOT EARLIER THAN THE FIRST
7 DAY OR LATER THAN THE FIFTEENTH DAY OF EACH JANUARY AND JULY AFTER
8 THE INITIAL VERIFICATION OR REGISTRATION.

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

16 (3) WHEN AN INDIVIDUAL REPORTS UNDER SUBSECTION (2), THE
17 INDIVIDUAL SHALL REVIEW ALL REGISTRATION INFORMATION FOR ACCURACY.

18 (4) ~~(6) When an individual reports under subsection (3) or~~
19 ~~(4),~~ SUBSECTION (2), an officer or authorized employee of the local
20 law enforcement agency, sheriff's department, or department post
21 shall verify the individual's residence or domicile and any
22 information required to be reported under section 4a. THE OFFICER
23 OR AUTHORIZED AUTHORITY SHALL ALSO DETERMINE WHETHER THE
24 INDIVIDUAL'S PHOTOGRAPH REQUIRED UNDER THIS ACT MATCHES THE
25 APPEARANCE OF THE INDIVIDUAL SUFFICIENTLY TO PROPERLY IDENTIFY HIM
26 OR HER FROM THAT PHOTOGRAPH. IF NOT, THE OFFICER OR AUTHORIZED
27 AUTHORITY SHALL REQUIRE THE INDIVIDUAL TO OBTAIN A CURRENT

1 PHOTOGRAPH BEFORE COMPLETING THE INDIVIDUAL'S VERIFICATION UNDER
 2 THIS SECTION. WHEN ALL OF THE VERIFICATION INFORMATION HAS BEEN
 3 PROVIDED, THE OFFICER OR AUTHORIZED AUTHORITY SHALL REVIEW THAT
 4 INFORMATION WITH THE INDIVIDUAL AND MAKE ANY CORRECTIONS,
 5 ADDITIONS, OR DELETIONS THE OFFICER OR AUTHORIZED AUTHORITY
 6 DETERMINES ARE NECESSARY BASED ON THE REVIEW. The officer or
 7 authorized employee shall sign and date a verification ~~form~~
 8 RECEIPT. The officer shall give a copy of the signed ~~form~~ RECEIPT
 9 showing the date of verification to the individual. The officer or
 10 employee shall forward verification information to the department
 11 ~~by the law enforcement information network~~ in the manner the
 12 department prescribes. The department shall revise the ~~databases~~
 13 LAW ENFORCEMENT DATABASE AND PUBLIC INTERNET WEBSITE maintained
 14 under section 8 as necessary and shall indicate verification in the
 15 ~~compilation~~ PUBLIC INTERNET WEBSITE MAINTAINED under section 8(2).

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

22 (6) ~~(8)~~ An individual required to be registered under this act
 23 shall maintain either a valid operator's or chauffeur's license
 24 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
 25 257.923, or an official state personal identification card issued
 26 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
 27 current address. The license or card may be used as proof of

domicile or residence under this section. In addition, the officer or authorized employee may require the individual to produce another document bearing his or her name and address, including, but not limited to, voter registration or a utility or other bill. The department may specify other satisfactory proof of domicile or residence.

~~(7) (9) Not earlier than January 1, 2000 or later than January 15, 2000, an individual registered under this act who is not incarcerated shall report in person to a secretary of state office and have his or her digitized photograph taken. An individual registered under this act who is incarcerated on January 15, 2000 shall report~~ **TO THE SECRETARY OF STATE** ~~under this subsection not less than 10 days~~ **IMMEDIATELY** ~~after he or she is released~~ **TO HAVE HIS OR HER DIGITALIZED PHOTOGRAPH TAKEN.** The individual is not required to report under this subsection if he or she had a digitized photograph taken for an operator's or chauffeur's license or official state personal identification card before January 1, 2000, or within 2 years before he or she is released **UNLESS HIS OR HER APPEARANCE HAS CHANGED FROM THE DATE OF THAT PHOTOGRAPH.** The photograph shall be used on the individual's operator's or chauffeur's license or official state personal identification card. The individual shall have a new photograph taken when he or she renews the license or identification card as provided by law. The secretary of state shall make the digitized photograph available to the department for a registration under this act.

~~(8) (10) If an individual does not report under subsection (3) or (4)~~ **THIS SECTION** or **UNDER** section 4a, the department shall

1 ~~notify the local law enforcement agency, sheriff's department, or~~
 2 ~~department post. An appearance ticket may be issued for the~~
 3 ~~individual's failure to report as provided in sections 9a to 9g of~~
 4 ~~chapter IV of the code of criminal procedure, 1927 PA 175, MCL~~
 5 ~~764.9a to 764.9g~~ **ALL REGISTERING AUTHORITIES AS PROVIDED IN SECTION**
 6 **8A AND INITIATE ENFORCEMENT ACTION AS SET FORTH IN THAT SECTION.**

7 (9) ~~(11)~~ The department shall prescribe the form for the
 8 notices and verification procedures required under this section.

9 Sec. 5b. (1) Of the money collected by a court, local law
 10 enforcement agency, sheriff's department, or department post from
 11 each registration fee prescribed under this act, \$25.00 shall be
 12 forwarded to the department, which shall deposit the money in the
 13 sex offenders registration fund created under subsection (2), and
 14 \$10.00 shall be retained by the court, local law enforcement
 15 agency, sheriff's department, or department post.

16 (2) The sex offenders registration fund is created as a
 17 separate fund in the department of treasury. The state treasurer
 18 shall credit the money received from the payment of the
 19 registration fee prescribed under this act to the sex offenders
 20 registration fund. Money credited to the fund shall only be used by
 21 the department for training concerning, and the maintenance and
 22 automation of, the ~~databases~~ **LAW ENFORCEMENT DATABASE, compilation**
 23 **PUBLIC INTERNET WEBSITE**, and information required under section 8,
 24 **NOTIFICATION AND OFFENDER REGISTRATION DUTIES UNDER SECTION 4A, AND**
 25 **COMMUNITY EDUCATION.** Money in the sex offenders registration fund
 26 at the close of the fiscal year shall remain in the fund and shall
 27 not lapse to the general fund.

1 (3) If an individual required to pay a registration fee under
2 this act is indigent, the registration fee shall be ~~temporarily~~
3 waived **FOR A PERIOD OF 90 DAYS**. The burden is on the individual
4 claiming indigence to prove the fact of indigence to the
5 satisfaction of the local law enforcement agency, sheriff's
6 department, or department post where the individual is reporting.

7 (4) Payment of the registration fee prescribed under this act
8 shall be made in the form and by means prescribed by the
9 department. Upon payment of the registration fee prescribed under
10 this act, the officer or employee shall forward verification of the
11 payment to the department ~~by the law enforcement information~~
12 ~~network~~ in the manner the department prescribes. The department
13 shall revise the ~~databases~~ **LAW ENFORCEMENT DATABASE AND PUBLIC**
14 **INTERNET WEBSITE** maintained under section 8 as necessary and shall
15 indicate verification of payment in the ~~compilation~~ **LAW ENFORCEMENT**
16 **DATABASE** under section ~~8(2)~~ **8(1)**.

17 Sec. 6. (1) The officer, court, or agency registering an
18 individual or receiving or accepting a registration under section 4
19 or receiving notice under section 5(1) shall provide the individual
20 with a copy of the registration or notification at the time of
21 registration or notice.

22 (2) The officer, court, or agency registering an individual or
23 receiving or accepting a registration under section 4 or notified
24 of an address change under section 5(1) shall forward the
25 registration or notification to the department ~~by the law~~
26 ~~enforcement information network within 3 business days~~ **IN A MANNER**
27 **PRESCRIBED BY THE DEPARTMENT IMMEDIATELY** after registration or

1 notification.

2 Sec. 7. (1) ~~A registration~~ **REGISTRATION INFORMATION OBTAINED**
3 under this act ~~shall be made on a form provided by the department~~
4 ~~and shall be forwarded to the department in the format the~~
5 department prescribes. ~~, along with~~ **EXCEPT AS PROVIDED IN SECTION**
6 **5B(3),** a \$35.00 registration fee ~~for~~ **SHALL ACCOMPANY** each original
7 registration. ~~, except as otherwise provided in section 5b. A~~
8 ~~registration shall contain all of the following.~~ **ALL OF THE**
9 **FOLLOWING INFORMATION SHALL BE OBTAINED OR OTHERWISE PROVIDED FOR**
10 **REGISTRATION PURPOSES:**

11 (a) The individual's **LEGAL** name ~~, social security number, date~~
12 ~~of birth, and address or expected address.~~ **AND ANY ALIASES,**
13 **NICKNAMES, ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE**
14 **INDIVIDUAL IS OR HAS BEEN KNOWN.** An individual who is in a witness
15 protection and relocation program is only required to use the name
16 and identifying information reflecting his or her new identity in a
17 registration under this act. The registration and compilation
18 databases shall not contain any information identifying the
19 individual's prior identity or locale. ~~The department shall request~~
20 ~~each individual to provide his or her date of birth if it is not~~
21 ~~included in the registration, and that individual shall comply with~~
22 ~~the request within 10 days.~~

23 **(B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL**
24 **SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED**
25 **BY THE INDIVIDUAL.**

26 **(C) THE INDIVIDUAL'S DATE OF BIRTH, ANY ALLEGED DATES OF BIRTH**
27 **PREVIOUSLY USED BY THE INDIVIDUAL, AND THE INDIVIDUAL'S VILLAGE,**

1 CITY, OR COUNTY OF BIRTH AS APPLICABLE AND STATE OF BIRTH.

2 (D) THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.
3 IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION
4 UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR
5 TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE.

6 (E) THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING
7 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE
8 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER
9 RESIDENCE. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE THE
10 DATES THE LODGING IS USED OR TO BE USED.

11 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S
12 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A
13 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT
14 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
15 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
16 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

17 (G) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE
18 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
19 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
20 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE PRIMARY OR
21 SECONDARY SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE
22 SCHOOL.

23 (H) ALL TELEPHONE NUMBERS REGISTERED IN WHOLE OR IN PART TO
24 THE INDIVIDUAL OR ROUTINELY USED BY THE INDIVIDUAL.

25 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
26 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
27 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE

1 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
2 MESSAGING SYSTEM.

3 (J) THE LICENSE PLATE NUMBER, REGISTRATION NUMBER, AND
4 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
5 OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE MOTOR
6 VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

7 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL
8 IDENTIFICATION CARD NUMBER.

9 (L) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER
10 IMMIGRATION DOCUMENTS.

11 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING
12 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL
13 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

14 (N) ~~(b)~~—A brief summary of the individual's convictions for
15 listed offenses regardless of when the conviction occurred,
16 including where the offense occurred and the original charge if the
17 conviction was for a lesser offense.

18 (O) ~~(e)~~—A complete physical description of the individual.

19 (P) ~~(d)~~—The photograph required under section 5a.

20 (Q) ~~(e)~~—The individual's fingerprints if not already on file
21 with the department **AND THE INDIVIDUAL'S PALM PRINTS**. An individual
22 required to be registered ~~on September 1, 1999~~ **UNDER THIS ACT** shall
23 have his or her fingerprints **OR PALM PRINTS OR BOTH** taken not later
24 than September 12, ~~1999~~ **2010** if **HIS OR HER FINGERPRINTS OR PALM**
25 **PRINTS ARE** not already on file with the department. The department
26 shall forward a copy of the individual's fingerprints **AND PALM**
27 **PRINTS** to the federal bureau of investigation if not already on

1 file with that bureau.

2 (R) ~~(f)~~ Information that is required to be reported under
3 section 4a.

4 (2) A registration ~~may~~ **SHALL** contain ~~the individual's blood~~
5 ~~type and whether a DNA identification profile of the individual is~~
6 ~~available.~~ **ALL OF THE FOLLOWING:**

7 (A) AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER
8 LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE
9 PHOTOGRAPH REQUIRED UNDER THIS ACT.

10 (B) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL
11 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

12 (C) ANY OUTSTANDING ARREST WARRANT INFORMATION.

13 (D) THE INDIVIDUAL'S TIER CLASSIFICATION.

14 (E) AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN
15 TAKEN AND THE LOCATION WHERE THE DNA SAMPLE IS STORED.

16 (F) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,
17 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

18 (G) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS NUMBER
19 AND STATUS OF PAROLE, PROBATION, OR SUPERVISED RELEASE.

20 (H) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

21 (3) The form used for ~~registration or verification~~
22 **NOTIFICATION OF DUTIES** under this act shall contain a written
23 statement that explains the duty of the individual being registered
24 to provide notice of ~~a change of address under section 5,~~ **CHANGES**
25 **IN HIS OR HER REGISTRATION INFORMATION**, the procedures for
26 providing that notice, and the verification procedures under
27 section 5a.

1 (4) The individual shall sign a registration ~~—AND~~ notice. ~~—~~
2 ~~and verification.~~ However, the registration, notice, or
3 verification shall be forwarded to the department regardless of
4 whether the individual signs it or pays the registration fee
5 required under subsection (1).

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

9 (6) An individual shall not knowingly provide false or
10 misleading information concerning a registration, notice, or
11 verification.

12 (7) The department shall prescribe the form for a notification
13 required under section 5 and the format for forwarding the
14 notification to the department.

15 (8) The department shall promptly provide registration,
16 notice, and verification information to the federal bureau of
17 investigation and to local law enforcement agencies, sheriff's
18 departments, department posts, and ~~agencies of other states~~
19 ~~requiring the information,~~ **OTHER REGISTERING JURISDICTIONS**, as
20 provided by law.

21 Sec. 8. (1) The department shall maintain a computerized **LAW**
22 **ENFORCEMENT** database of registrations and notices required under
23 this act. **THE LAW ENFORCEMENT DATABASE SHALL CONTAIN ALL OF THE**
24 **FOLLOWING INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS**
25 **ACT:**

26 **(A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,**
27 **ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS**

1 OR HAS BEEN KNOWN.

2 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL
3 SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED
4 BY THE INDIVIDUAL.

5 (C) THE INDIVIDUAL'S DATE OF BIRTH, ANY ALLEGED DATES OF BIRTH
6 PREVIOUSLY USED BY THE INDIVIDUAL, AND THE INDIVIDUAL'S VILLAGE,
7 CITY, OR COUNTY OF BIRTH AS APPLICABLE AND STATE OF BIRTH.

8 (D) THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.
9 IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION
10 UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR
11 TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE.

12 (E) THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING
13 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE
14 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER
15 RESIDENCE. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE THE
16 DATES THE LODGING IS USED OR TO BE USED.

17 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S
18 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A
19 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT
20 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
21 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
22 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

23 (G) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE
24 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
25 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
26 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE PRIMARY OR
27 SECONDARY SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE

1 SCHOOL.

2 (H) ALL TELEPHONE NUMBERS REGISTERED IN WHOLE OR IN PART TO
3 THE INDIVIDUAL OR ROUTINELY USED BY THE INDIVIDUAL.

4 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
5 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
6 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE
7 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
8 MESSAGING SYSTEM.

9 (J) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND
10 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
11 OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE MOTOR
12 VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

13 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL
14 IDENTIFICATION CARD NUMBER.

15 (L) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER
16 IMMIGRATION DOCUMENTS.

17 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING
18 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL
19 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

20 (N) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED
21 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED, INCLUDING
22 WHERE THE OFFENSE OCCURRED AND THE ORIGINAL CHARGE IF THE
23 CONVICTION WAS FOR A LESSER OFFENSE.

24 (O) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

25 (P) THE PHOTOGRAPH REQUIRED UNDER SECTION 5A.

26 (Q) THE INDIVIDUAL'S FINGERPRINTS AND PALM PRINTS.

27 (R) AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER

1 LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE
2 PHOTOGRAPH REQUIRED UNDER THIS ACT.

3 (S) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL
4 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

5 (T) ANY OUTSTANDING ARREST WARRANT INFORMATION.

6 (U) THE INDIVIDUAL'S TIER CLASSIFICATION.

7 (V) AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN
8 TAKEN AND THE LOCATION WHERE THE DNA SAMPLE IS STORED.

9 (W) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,
10 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

11 (X) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS
12 NUMBER.

13 (Y) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

14 (2) The department shall maintain a ~~computerized database~~
15 **PUBLIC INTERNET WEBSITE** separate from ~~that~~ **THE LAW ENFORCEMENT**
16 **DATABASE** described in subsection (1) to implement section 10(2) and
17 (3). Except as provided in subsection (3), the ~~database~~ **PUBLIC**
18 **INTERNET WEBSITE** shall ~~consist of a compilation of individuals~~
19 **CONTAIN ALL OF THE FOLLOWING INFORMATION FOR EACH INDIVIDUAL**
20 registered under this act: -

21 (A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,
22 ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS
23 OR HAS BEEN KNOWN.

24 (B) THE INDIVIDUAL'S DATE OF BIRTH.

25 (C) THE ADDRESS WHERE THE INDIVIDUAL RESIDES. IF THE
26 INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION UNDER
27 THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED BY THE

1 INDIVIDUAL IN LIEU OF A RESIDENCE.

2 (D) THE ADDRESS OF EACH OF THE INDIVIDUAL'S EMPLOYERS. FOR
3 PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A CONTRACTOR AND
4 ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT WITH THE
5 INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
6 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
7 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

8 (E) THE NAME AND ADDRESS OF ANY SCHOOL ATTENDED BY THE
9 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
10 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
11 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE PRIMARY OR
12 SECONDARY SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE
13 SCHOOL.

14 (F) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND
15 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
16 OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE MOTOR
17 VEHICLE, AIRCRAFT, OR VESSEL IS STORED OR KEPT.

18 (G) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED
19 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED.

20 (H) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

21 (I) THE PHOTOGRAPH REQUIRED UNDER THIS ACT. IF NO PHOTOGRAPH
22 IS AVAILABLE, THE DEPARTMENT SHALL USE AN ARREST PHOTOGRAPH OR
23 MICHIGAN DEPARTMENT OF CORRECTIONS PHOTOGRAPH UNTIL A PHOTOGRAPH AS
24 PRESCRIBED IN SECTION 5A BECOMES AVAILABLE.

25 (J) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL
26 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

27 (K) THE INDIVIDUAL'S REGISTRATION STATUS.

1 (1) THE INDIVIDUAL'S TIER CLASSIFICATION.

2 (3) THE FOLLOWING INFORMATION SHALL NOT BE MADE AVAILABLE ON
3 THE PUBLIC INTERNET WEBSITE DESCRIBED IN SUBSECTION (2):

4 (A) THE IDENTITY OF ANY VICTIM OF THE OFFENSE.

5 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

6 (C) ANY ARRESTS NOT RESULTING IN A CONVICTION.

7 (D) ANY TRAVEL OR IMMIGRATION DOCUMENT NUMBERS.

8 (E) ANY ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
9 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
10 INDIVIDUAL AND ANY LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE
11 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
12 MESSAGING SYSTEM.

13 ~~—— (3) The database described in subsection (2) shall not include~~
14 ~~the following individuals:~~

15 ~~—— (a) An individual registered solely because he or she had 1 or~~
16 ~~more dispositions for a listed offense entered under section 18 of~~
17 ~~chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,~~
18 ~~in a case that was not designated as a case in which the individual~~
19 ~~was to be tried in the same manner as an adult under section 2d of~~
20 ~~chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.~~
21 ~~Except as provided in subdivision (b), the exclusion for juvenile~~
22 ~~dispositions does not apply to a disposition for a violation of~~
23 ~~section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL~~
24 ~~750.520b and 750.520c, after the individual becomes 18 years of~~
25 ~~age.~~

26 ~~—— (b) An individual who is exempt under section 8d from that~~
27 ~~database.~~

(4) The compilation of individuals shall be indexed
ALPHABETICALLY BY VILLAGE, CITY, TOWNSHIP, AND COUNTY, numerically
by zip code area, **AND GEOGRAPHICALLY AS DETERMINED APPROPRIATE BY**
THE DEPARTMENT. ~~Within each zip code area, the compilation shall~~
~~contain all of the following information:~~

~~—— (a) The name and aliases, address, physical description, and~~
~~birth date of each individual registered under this act who is~~
~~included in the compilation and who resides in that zip code area~~
~~and any listed offense of which the individual has been convicted.~~

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

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

(5) The department shall update the ~~compilation~~ **PUBLIC**
INTERNET WEBSITE with new registrations, deletions from
registrations, and address changes at the same time those changes
are made to the **LAW ENFORCEMENT** database described in subsection
(1). The department shall make the ~~compilation~~ **LAW ENFORCEMENT**
DATABASE available to each department post, local law enforcement
agency, and sheriff's department by the law enforcement information
network. Upon request by a department post, local law enforcement
agency, or sheriff's department, the department shall provide to
that post, agency, or sheriff's department the information from the
~~compilation~~ **LAW ENFORCEMENT DATABASE** in printed form for the zip

1 ~~code~~ **DESIGNATED** areas located in whole or in part within the
2 post's, agency's, or sheriff's department's jurisdiction. The
3 department shall provide the ability to conduct a computerized
4 search of the ~~compilation~~ **LAW ENFORCEMENT DATABASE AND THE PUBLIC**
5 **INTERNET WEBSITE** based upon the name and campus location of an
6 institution of higher education. ~~described in subsection (4)(b).~~

7 (6) The department shall make the ~~compilation or information~~
8 ~~from the compilation~~ **LAW ENFORCEMENT DATABASE** available to a
9 department post, local law enforcement agency, **OR** sheriff's
10 department, ~~and the public~~ by electronic, computerized, or other
11 similar means accessible to the post, agency, or sheriff's
12 department. **THE DEPARTMENT SHALL MAKE THE PUBLIC INTERNET WEBSITE**
13 **AVAILABLE TO THE PUBLIC BY ELECTRONIC, COMPUTERIZED, OR OTHER**
14 **SIMILAR MEANS ACCESSIBLE TO THE PUBLIC.** The electronic,
15 computerized, or other similar means shall provide for ~~both a~~
16 search by name, ~~and by~~ **VILLAGE, CITY, TOWNSHIP, AND COUNTY**
17 **DESIGNATION, zip code, AND GEOGRAPHICAL AREA.**

18 (7) If a court determines that the public availability under
19 section 10 of any information concerning individuals registered
20 under this act, ~~, including names and aliases, addresses, physical~~
21 ~~descriptions, or dates of birth,~~ violates the constitution of the
22 United States or this state, the department shall revise the
23 ~~compilation~~ **PUBLIC INTERNET WEBSITE DESCRIBED** in subsection (2) so
24 that it does not contain that information.

25 **SEC. 8A. (1) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE**
26 **HIS OR HER REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE**
27 **LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S OFFICE, OR DEPARTMENT POST**

1 RESPONSIBLE FOR REGISTERING THE INDIVIDUAL OR FOR VERIFYING AND
2 UPDATING HIS OR HER REGISTRATION INFORMATION SHALL DO ALL OF THE
3 FOLLOWING IMMEDIATELY AFTER THE DATE THE INDIVIDUAL WAS REQUIRED TO
4 REGISTER OR TO UPDATE HIS OR HER REGISTRATION INFORMATION:

5 (A) DETERMINE WHETHER THE INDIVIDUAL HAS ABSCONDED OR IS
6 OTHERWISE UNLOCATABLE.

7 (B) IF THE REGISTERING AUTHORITY WAS NOTIFIED BY A
8 REGISTRATION JURISDICTION THAT THE INDIVIDUAL WAS TO APPEAR IN
9 ORDER TO REGISTER OR UPDATE HIS OR HER REGISTRATION INFORMATION IN
10 THE JURISDICTION OF THE REGISTERING AUTHORITY, NOTIFY THE
11 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT THAT THE
12 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

13 (C) REVISE THE INFORMATION IN THE REGISTRY TO REFLECT THAT THE
14 INDIVIDUAL HAS ABSCONDED OR IS OTHERWISE UNLOCATABLE.

15 (D) SEEK A WARRANT FOR THE INDIVIDUAL'S ARREST IF THE LEGAL
16 REQUIREMENTS FOR OBTAINING A WARRANT ARE SATISFIED.

17 (E) ENTER THE INDIVIDUAL INTO THE NATIONAL CRIME INFORMATION
18 CENTER WANTED PERSON FILE IF THE REQUIREMENTS FOR ENTERING
19 INFORMATION INTO THAT FILE ARE MET.

20 (2) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE HIS OR HER
21 REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE DEPARTMENT
22 SHALL DO ALL OF THE FOLLOWING IMMEDIATELY AFTER BEING NOTIFIED BY
23 THE REGISTERING AUTHORITY THAT THE INDIVIDUAL FAILED TO APPEAR AS
24 REQUIRED:

25 (A) NOTIFY THAT OTHER REGISTRATION JURISDICTION THAT THE
26 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

27 (B) NOTIFY THE UNITED STATES MARSHAL'S SERVICE IN THE MANNER

1 REQUIRED BY THE UNITED STATES MARSHAL'S SERVICE OF THE INDIVIDUAL'S
2 FAILURE TO APPEAR AS REQUIRED.

3 (C) UPDATE THE NATIONAL SEX OFFENDER REGISTRY TO REFLECT THE
4 INDIVIDUAL'S STATUS AS AN ABSCONDER OR AS UNLOCATABLE.

5 Sec. 8c. (1) An individual ~~described in subsection (15) who is~~
6 ~~convicted before October 1, 2004 of a violation described in that~~
7 ~~subsection~~ **CLASSIFIED AS A TIER I OFFENDER WHO MEETS THE**
8 **REQUIREMENTS OF SUBSECTION (12)** may petition the court under ~~this~~
9 ~~section~~ **THAT SUBSECTION** for an order allowing him or her to
10 ~~register~~ **DISCONTINUE REGISTRATION** under this act. ~~as provided in~~
11 ~~section 8d(1).~~

12 (2) An individual ~~described in subsection (15)(a) or (b) who~~
13 ~~is convicted on or after October 1, 2004 of a violation described~~
14 ~~in that subsection~~ **CLASSIFIED AS A TIER III OFFENDER WHO MEETS THE**
15 **REQUIREMENTS OF SUBSECTION (13)** may petition the court under ~~this~~
16 ~~section~~ **THAT SUBSECTION** for an order allowing him or her to
17 ~~register~~ **DISCONTINUE REGISTRATION** under this act. ~~as provided in~~
18 ~~section 8d(1).~~

19 (3) This section is the sole means by which an individual may
20 obtain judicial review of his or her registration requirements
21 under this act. This subsection does not prohibit an appeal of the
22 conviction or sentence as otherwise provided by law or court rule.

23 ~~—— (4) A petition filed under this section shall be filed in the~~
24 ~~court in which the individual was convicted of committing the~~
25 ~~listed offense. A petition filed under subsection (1) shall be~~
26 ~~filed before October 1, 2007 or within 3 years after the individual~~
27 ~~is discharged from the jurisdiction of the juvenile court or, if~~

~~the individual was assigned to youthful trainee status, within 3 years after he or she has successfully completed youthful trainee status, whichever is later, and, except as otherwise provided in this subsection, the court shall not consider a petition filed by the individual after that date. A petition filed under subsection (2) shall not be filed before the individual's seventeenth birthday or after the individual's twentieth birthday. If the individual is charged in this state or elsewhere with committing, attempting to commit, or conspiring to commit a felony, other than the felony for which he or she has filed the petition for registration as provided under section 8d, or an offense that if committed by an adult would be a felony, the court may hold the petition in abeyance until the charges are finally disposed of. If the court holds the petition in abeyance, the 3-year limitation periods described in this subsection begin to run when the period of abeyance has ended. A petition shall not be filed under this section if a previous petition was filed under this section and was denied by the court after a hearing. As used in this subsection, "felony" means a crime that is specifically designated to be a felony or that is punishable by imprisonment for more than 1 year.~~

~~(4) (5)~~ A petition filed under this section shall be made under oath and shall contain all of the following:

(a) The name and address of the petitioner.

(b) A statement identifying the offense for which

DISCONTINUATION FROM ~~registration as provided in section 8d is being requested.~~

(c) A statement of whether the individual was previously

1 convicted of a listed offense for which registration is required
2 under this act.

3 ~~—— (d) A statement specifically stating that the individual is~~
4 ~~not disqualified under subsection (14) from filing a petition under~~
5 ~~this section.~~

6 (5) ~~(6)~~—An individual who knowingly makes a false statement in
7 a petition filed under this section is guilty of perjury as
8 proscribed under section 423 of the Michigan penal code, 1931 PA
9 328, MCL 750.423.

10 (6) ~~(7)~~—A copy of the petition shall be filed with the office
11 of the prosecuting attorney that prosecuted the case against the
12 individual at least 30 days before a hearing is held on the
13 petition. The prosecuting attorney may appear and participate in
14 all proceedings regarding the petition and may seek appellate
15 review of any decision on the petition.

16 (7) ~~(8)~~—If the name of the victim of the offense is known by
17 the prosecuting attorney, the prosecuting attorney shall provide
18 the victim with written notice that a petition has been filed and
19 shall provide the victim with a copy of the petition. The notice
20 shall be sent by first-class mail to the victim's last known
21 address. The petition shall include a statement of the victim's
22 rights under subsection ~~(11)~~ (9) .

23 ~~—— (9) If an individual petitions the court under subsection (1)~~
24 ~~or (2) for an offense described in subsection (15) (a) or (b) and~~
25 ~~the individual is not on the database maintained under section 8(2)~~
26 ~~at the time the petition is filed, the court may order the~~
27 ~~department not to place the individual on that database during the~~

1 ~~period in which the court is considering whether to grant the~~
2 ~~petition as follows:~~

3 ~~—— (a) Except as provided in subdivision (b), for a period of 30~~
4 ~~days after the date the order is issued or as provided by the~~
5 ~~court, whichever occurs first.~~

6 ~~—— (b) If jurisdiction is continued by the court past the~~
7 ~~individual's seventeenth birthday, during the period in which~~
8 ~~jurisdiction is continued. The court shall notify the department of~~
9 ~~the order as required under section 8d.~~

10 (8) ~~(10)~~ If an individual properly files a petition with the
11 court under this section, the court shall conduct a hearing on the
12 petition as provided in this section.

13 (9) ~~(11)~~ The victim has the right to attend all proceedings
14 under this section and to make a written or oral statement to the
15 court before any decision regarding the petition is made. A victim
16 shall not be required to appear at any proceeding under this
17 section against his or her will.

18 (10) ~~(12)~~ The court shall consider all of the following in
19 determining whether to allow the individual to ~~register~~ **DISCONTINUE**
20 **REGISTRATION** under this act: ~~as provided in section 8d.~~

21 (a) The individual's age and level of maturity at the time of
22 the offense.

23 (b) The victim's age and level of maturity at the time of the
24 offense.

25 (c) The nature of the offense.

26 (d) The severity of the offense.

27 (e) The individual's prior juvenile or criminal history.

1 (f) The individual's likelihood to commit further listed
2 offenses.

3 (g) Any impact statement submitted by the victim under the
4 crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or
5 under this section.

6 (h) Any other information considered relevant by the court.

7 **(11)** ~~(13)~~ If the court determines that the individual meets
8 the criteria for **DISCONTINUATION FROM** registration, ~~under section~~
9 ~~8d,~~ the court may order the individual to register under this act
10 as provided in that section **HIS OR HER REGISTRATION TO BE**
11 **DISCONTINUED.**

12 ~~—— (14) The court shall not grant a petition filed under this~~
13 ~~section if any of the following apply.~~

14 ~~—— (a) The individual was previously convicted of a listed~~
15 ~~offense for which registration is required under this act.~~

16 ~~—— (b) The individual fails to carry the burden of proving by~~
17 ~~clear and convincing evidence that he or she is not likely to~~
18 ~~commit further listed offenses.~~

19 ~~—— (c) The court determines that the offense involved any of the~~
20 ~~following.~~

21 ~~—— (i) A factor set forth in section 520b(1)(b) to (h) of the~~
22 ~~Michigan penal code, 1931 PA 328, MCL 750.520b.~~

23 ~~—— (ii) A factor set forth in section 520c(1)(b) to (l) of the~~
24 ~~Michigan penal code, 1931 PA 328, MCL 750.520c.~~

25 ~~—— (iii) A factor set forth in section 520d(1)(b) to (e) of the~~
26 ~~Michigan penal code, 1931 PA 328, MCL 750.520d.~~

27 ~~—— (iv) A factor set forth in section 520e(1)(b) to (f) of the~~

~~Michigan penal code, 1931 PA 328, MCL 750.520e.~~

~~—— (d) The individual is charged in this state or elsewhere with committing, attempting to commit, or conspiring to commit a felony, other than the felony for which he or she has filed the petition for registration as provided under section 8d, or an offense that if committed by an adult would be a felony. This subsection does not prohibit the court from holding the petition in abeyance under subsection (4). As used in this subdivision, "felony" means a crime specifically designated to be a felony or that is punishable by imprisonment for more than 1 year.~~

~~—— (e) The individual was sentenced for the offense as an adult. This subdivision does not apply to an individual described in subsection (15)(c) who successfully completed his or her probationary period and was discharged from youthful trainee status.~~

~~—— (15) The right to petition under this section applies to all of the following individuals:~~

~~—— (a) An individual who is convicted as a juvenile under section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, of committing, attempting to commit, or conspiring to commit a violation solely described in section 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, if either of the following applies:~~

~~—— (i) The individual was under 13 years of age when he or she committed the offense and is not more than 5 years older than the victim.~~

~~1 (ii) The individual was 13 years of age or older but less than~~
~~2 17 years of age when he or she committed the offense and is not~~
~~3 more than 3 years older than the victim.~~

~~4 (b) An individual who was charged under section 520b, 520c, or~~
~~5 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b,~~
~~6 750.520c, and 750.520d, with committing, attempting to commit, or~~
~~7 conspiring to commit a violation solely described in section~~
~~8 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code,~~
~~9 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, and is convicted~~
~~10 as a juvenile of violating, attempting to violate, or conspiring to~~
~~11 violate section 520e or 520g of the Michigan penal code, 1931 PA~~
~~12 328, MCL 750.520e and 750.520g, if either of the following applies:~~

~~13 (i) The individual was under 13 years of age when he or she~~
~~14 committed the offense and is not more than 5 years older than the~~
~~15 victim.~~

~~16 (ii) The individual was 13 years of age or older but less than~~
~~17 17 years of age when he or she committed the offense and is not~~
~~18 more than 3 years older than the victim.~~

~~19 (c) An individual who has successfully completed his or her~~
~~20 probationary period under sections 11 to 15 of chapter II of the~~
~~21 code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, for~~
~~22 committing a listed offense, and has been discharged from youthful~~
~~23 trainee status.~~

24 (12) THE COURT MAY GRANT A PETITION PROPERLY FILED UNDER THIS
25 SECTION BY AN INDIVIDUAL CLASSIFIED AS A TIER I OFFENDER IF ALL OF
26 THE FOLLOWING APPLY:

27 (A) TEN OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF HIS OR

1 HER CONVICTION FOR THE LISTED OFFENSE OR FROM HIS OR HER RELEASE
2 FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER OCCURRED
3 LAST.

4 (B) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY FELONY SINCE
5 THE DATE DESCRIBED IN SUBDIVISION (A).

6 (C) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY LISTED
7 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (A).

8 (D) THE INDIVIDUAL SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
9 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT
10 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR
11 PAROLE.

12 (E) THE INDIVIDUAL SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
13 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE DEPARTMENT OF
14 CORRECTIONS OR BY THE UNITED STATES ATTORNEY GENERAL AS SPECIFIED
15 IN 42 USC 16915(B) (1).

16 (13) THE COURT MAY GRANT A PETITION PROPERLY FILED UNDER THIS
17 SECTION BY AN INDIVIDUAL CLASSIFIED AS A TIER III OFFENDER IF ALL
18 OF THE FOLLOWING APPLY:

19 (A) THE INDIVIDUAL IS REQUIRED TO REGISTER BASED ON AN ORDER
20 OF DISPOSITION ENTERED UNDER SECTION 18 OF CHAPTER XIIA OF THE
21 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18, THAT IS OPEN TO THE
22 GENERAL PUBLIC UNDER SECTION 28 OF CHAPTER XIIA OF THE PROBATE CODE
23 OF 1939, 1939 PA 288, MCL 712A.28.

24 (B) TWENTY-FIVE OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF
25 HIS OR HER CONVICTION FOR THE LISTED OFFENSE OR FROM HIS OR HER
26 RELEASE FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER
27 OCCURRED LAST.

1 (C) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY FELONY SINCE
2 THE DATE DESCRIBED IN SUBDIVISION (B) .

3 (D) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY LISTED
4 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (B) .

5 (E) THE INDIVIDUAL SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
6 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT
7 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR
8 PAROLE .

9 (F) THE INDIVIDUAL SUCCESSFULLY COMPLETED AN APPROPRIATE SEX
10 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE DEPARTMENT OF
11 CORRECTIONS OR BY THE UNITED STATES ATTORNEY GENERAL AS SPECIFIED
12 IN 42 USC 16915(B) (1) .

13 Sec. 8d. ~~(1) An individual who petitions the court under~~
14 ~~section 8c to register as provided in this section shall register~~
15 ~~under this act as follows:~~

16 ~~—— (a) For a violation described in section 8c(15) (a) or (b), the~~
17 ~~individual shall register under this act until the petition is~~
18 ~~granted but is not subject to the requirements of section 8(2).~~

19 ~~—— (b) For a violation described in section 8c(15) (c) and for~~
20 ~~which the petition is granted, the individual shall register under~~
21 ~~this act for a period of 10 years after the date he or she~~
22 ~~initially registered or, if the individual was in a state~~
23 ~~correctional facility, for 10 years after he or she is released~~
24 ~~from that facility, whichever is greater, and is subject to the~~
25 ~~requirements of section 8(2) during that registration period.~~

26 ~~—— (2) If the court under section 8c orders an individual to~~
27 ~~register under this section pending the court's determination of~~

1 ~~the petition, the court shall promptly provide a copy of that order~~
2 ~~to the department and to the individual. If the department is~~
3 ~~provided with an order under this subsection for an individual~~
4 ~~described in section 8c(15) (a) or (b), the department shall not~~
5 ~~enter the individual's registration into the database maintained~~
6 ~~under section 8(2) until ordered by the court to do so or until~~
7 ~~expiration of the order, whichever occurs first.~~

8 ~~——(3) If the court grants a petition filed under section 8c, the~~
9 ~~court shall promptly provide a copy of that order to the department~~
10 ~~and to the individual. If the department is provided with an order~~
11 ~~under this subsection for a violation described in section~~
12 ~~8c(15) (a) or (b), the department shall not enter the individual's~~
13 ~~registration into the database maintained under section 8(2) or, if~~
14 ~~the person is already registered, shall promptly remove that~~
15 ~~registration from the database maintained under section 8(2). The~~
16 ~~department shall promptly remove an individual's registration from~~
17 ~~the database maintained under section 8(1). upon expiration of the~~
18 ~~applicable registration period described in subsection (1) or (2)~~
19 ~~as provided in those subsections.~~

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

24 (a) If the individual has no prior convictions for a violation
25 of this act, ~~other than a failure to comply with section 5a, by~~
26 imprisonment for not more than 4 years or a fine of not more than
27 \$2,000.00, or both.

1 (b) If the individual has 1 prior conviction for a violation
2 of this act, ~~other than a failure to comply with section 5a,~~ by
3 imprisonment for not more than 7 years or a fine of not more than
4 \$5,000.00, or both.

5 (c) If the individual has 2 or more prior convictions for
6 violations of this act, ~~other than a failure to comply with section~~
7 ~~5a,~~ by imprisonment for not more than 10 years or a fine of not
8 more than \$10,000.00, or both.

9 ~~—— (2) An individual who fails to comply with section 5a, other~~
10 ~~than payment of the fee required under section 5a(7) is guilty of a~~
11 ~~crime punishable as follows:~~

12 ~~—— (a) If the individual has no prior convictions for a violation~~
13 ~~of this act, the individual is guilty of a misdemeanor punishable~~
14 ~~by imprisonment for not more than 93 days or a fine of not more~~
15 ~~than \$1,000.00, or both.~~

16 ~~—— (b) If the individual has 1 prior conviction for a violation~~
17 ~~of this act, the individual is guilty of a misdemeanor punishable~~
18 ~~by imprisonment for not more than 1 year or a fine of not more than~~
19 ~~\$2,000.00, or both.~~

20 ~~—— (c) If the individual has 2 or more prior convictions for a~~
21 ~~violation of this act, the individual is guilty of a felony~~
22 ~~punishable by imprisonment for not more than 4 years or a fine of~~
23 ~~not more than \$2,500.00, or both.~~

24 (2) ~~(3)~~ An individual who willfully fails to sign a
25 registration, ~~AND~~ notice, ~~or verification~~ as provided in section
26 7(4) is guilty of a misdemeanor punishable by imprisonment for not
27 more than 93 days or a fine of not more than \$1,000.00, or both.

1 (3) ~~(4)~~—An individual who willfully refuses or fails to pay
 2 the registration fee prescribed in section ~~5a(7)~~ **5A(5)** or section
 3 7(1) within 90 days of the date the individual reports under
 4 section 4a or 5a is guilty of a misdemeanor punishable by
 5 imprisonment for not more than 90 days.

6 (4) ~~(5)~~—The court shall revoke the probation of an individual
 7 placed on probation who willfully violates this act.

8 (5) ~~(6)~~—The court shall revoke the youthful trainee status of
 9 an individual assigned to youthful trainee status who willfully
 10 violates this act.

11 (6) ~~(7)~~—The parole board shall rescind the parole of an
 12 individual released on parole who willfully violates this act.

13 (7) ~~(8)~~—An individual's failure to register as required by
 14 this act or a violation of section 5(1), ~~(3)~~ ~~(4)~~, or ~~(4)~~ ~~(5)~~ may be
 15 prosecuted in the judicial district of any of the following:

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

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

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

19 Sec. 10. (1) Except as provided in this act, a registration or
 20 report is confidential and information from that registration or
 21 report shall not be open to inspection except for law enforcement
 22 purposes. The registration or report and all included materials and
 23 information are exempt from disclosure under section 13 of the
 24 freedom of information act, 1976 PA 442, MCL 15.243.

25 (2) A department post, local law enforcement agency, or
 26 sheriff's department shall make information from the ~~compilation~~
 27 **PUBLIC INTERNET WEBSITE** described in section 8(2) for the ~~zip code~~

1 **DESIGNATED** areas located in whole or in part within the post's,
2 agency's, or sheriff's department's jurisdiction available for
3 public inspection during regular business hours. A department post,
4 local law enforcement agency, or sheriff's department is not
5 required to make a copy of the information for a member of the
6 public.

7 (3) The department may make information from the ~~compilation~~
8 **PUBLIC INTERNET WEBSITE** described in section 8(2) available to the
9 public through electronic, computerized, or other accessible means.
10 The department shall provide for notification by electronic or
11 computerized means to any member of the public who has subscribed
12 in a manner required by the department when an individual who is
13 the subject of the ~~compilation~~ **PUBLIC INTERNET WEBSITE** described in
14 section 8(2) initially registers under this act, or changes his or
15 her registration under this act, to a location that is in a ~~zip~~
16 ~~code~~ **DESIGNATED area OR GEOGRAPHIC RADIUS** designated by the
17 subscribing member of the public.

18 (4) Except as provided in this act, an individual other than
19 the registrant who knows of a registration or report under this act
20 and who divulges, uses, or publishes nonpublic information
21 concerning the registration or report in violation of this act is
22 guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$1,000.00, or both.

24 (5) An individual whose registration or report is revealed in
25 violation of this act has a civil cause of action against the
26 responsible party for treble damages.

27 (6) Subsections (4) and (5) do not apply to the ~~compilation~~

1 **PUBLIC INTERNET WEBSITE** described in section 8(2) or information
2 from that ~~compilation~~**PUBLIC INTERNET WEBSITE** that is provided or
3 made available under section 8(2) or under subsection (2) or (3).

4 Enacting section 1. This amendatory act takes effect April 1,
5 2011.

6 Enacting section 2. Sections 11 and 12 of the sex offenders
7 registration act, 1994 PA 295, MCL 28.731 and 28.732, are repealed.