

INCLUDE DAY CARE CENTER IN SORA RESTRICTIONS

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Senate Bills 76 and 77

Sponsor: Sen. Darwin L. Booher

House Committee: Criminal Justice

Senate Committee: Judiciary

Complete to 10-15-13

A SUMMARY OF SENATE BILLS 76 AND 77 AS PASSED BY THE SENATE 9-25-13

Senate Bill 76 would prohibit a registered sex offender from loitering within 1,000 feet of a child care center or day care center, subject violators to the same penalties as for loitering in a student safety zone, and provide exemptions to the prohibitions. Senate Bill 77 would revise the sentencing guidelines to reflect the new prohibition.

The bills would take effect February 1, 2014.

Senate Bill 76 would amend the Sex Offender Registration Act (SORA), MCL 28.734. Currently, a registered sex offender is prohibited from working or loitering within a student safety zone. A first offense is a one-year misdemeanor and a repeat violation is a two-year felony. Criminal fines may also be assessed.

The bill would also prohibit a registered sex offender from loitering within 1,000 feet of a child care center or day care center as defined in Section 1 and licensed under Section 5 of Public Act 116 of 1973.

The prohibition on working within a student safety zone or loitering within a student safety zone or within 1,000 feet of a child care center or day care center would not apply to any of the following:

- An individual within a student safety zone, or within 1,000 feet of a child care center or day care center, while transporting his or her child to or from school or child care or to or from an event sanctioned by that school or child care.
- An individual within a student safety zone, or within 1,000 feet of a child care center or day care center, for the purpose of meeting with an employee of the school regarding his or her child enrolled at that school or child care.

Senate Bill 77 would amend the Code of Criminal Procedure (MCL 777.11b) to specify that a violation involving work or loitering in a student safety zone, child care center, or day care center—subsequent offense—would be a Class G felony against the Public Trust with a two-year maximum term of imprisonment.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on state and local governments. Senate Bill 76 would expand the student safety zones established in the Sex Offenders Registration Act. The prohibition against loitering would also apply within 1,000 feet of a child care or day care center. To the extent that the bill results in a greater number of convictions, it could increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. Felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. Misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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