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BILL



ANALYSIS

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Senate Bill 76 (Substitute S-3)  
Senate Bill 77 (Substitute S-1)  
Sponsor: Senator Darwin L. Boohar  
Committee: Judiciary

Date Completed: 4-12-13

### **CONTENT**

**Senate Bill 76 (S-3) would amend provisions of the Sex Offenders Registration Act (SORA) that prohibit a registrant from working on loitering within a student safety zone, to do the following:**

- **Extend the loitering prohibition to loitering within 1,000 feet of a child care center or day care center.**
- **Exclude from the prohibitions a person transporting his or her child to or from school or a child care or day care center, or an event sanctioned by the school or center.**
- **Exclude from the prohibitions a person meeting with a school employee or an employee of a child care or day care center regarding his or her child enrolled at the school or center.**

**Senate Bill 77 (S-1) would amend the Code of Criminal Procedure to include a subsequent SORA violation involving work or loitering near a child care center or day care center in the sentencing guideline that applies to a subsequent student safety zone violation.**

Senate Bill 77 (S-1) is tie-barred to Senate Bill 76.

### **Senate Bill 76 (S-3)**

#### **Student Safety Zone Violations**

Under SORA, except as otherwise provided, a person who is required to be registered may not work or loiter within a student safety zone (the area within 1,000 feet of a school). A violation is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. A violation with one or more prior convictions is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.

Under the bill, the prohibition against loitering also would apply within 1,000 feet of a child care center or day care center.

("Child care center" and "day care center" would mean those terms as defined in the child care licensing Act, i.e., a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The terms include a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.)

### Exceptions to Working & Loitering Prohibitions

The bill specifies that the prohibitions against working or loitering in a student safety zone, or loitering within 1,000 feet of a child care center or day care center, would not apply to a person who was any of the following:

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

### **Senate Bill 77 (S-1)**

Under the sentencing guidelines, a student safety zone violation involving work or loitering that is a subsequent offense is a Class G felony against the public trust, with a statutory maximum sentence of two years' imprisonment. The bill would include in that sentencing guidelines designation a subsequent child care center or day care center violation involving work or loitering.

MCL 28.734 (S.B. 76)  
777.11b (S.B. 77)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate, likely minor, fiscal impact on State and local government. The bills would expand the student safety zone to child care and day care centers for loitering violations, which could increase the number of zones and thereby the number of potential violations. In 2011, seven individuals were convicted of misdemeanor (first offense) student safety zone violations and two individuals were convicted of felony (second or subsequent) student safety zone violations; all individuals served jail time or a combination of jail time and probation. Due to the limited number of individuals generally convicted of this offense, any fiscal impact would likely be minor.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.