

SENATE BILL No. 44

January 16, 2013, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The department shall maintain a computerized law
2 enforcement database of registrations and notices required under
3 this act. The law enforcement database shall contain all of the
4 following information for each individual registered under this
5 act:

6 (a) The individual's legal name and any aliases, nicknames,
7 ethnic or tribal names, or other names by which the individual is
8 or has been known.

9 (b) The individual's social security number and any social
10 security numbers or alleged social security numbers previously used

1 by the individual.

2 (c) The individual's date of birth and any alleged dates of
3 birth previously used by the individual.

4 (d) The address where the individual resides or will reside.
5 If the individual does not have a residential address, information
6 under this subsection shall identify the location or area used or
7 to be used by the individual in lieu of a residence or, if the
8 individual is homeless, the village, city, or township where the
9 individual spends or will spend the majority of his or her time.

10 (e) The name and address of any place of temporary lodging
11 used or to be used by the individual during any period in which the
12 individual is away, or is expected to be away, from his or her
13 residence for more than 7 days. Information under this subdivision
14 shall include the dates the lodging is used or to be used.

15 (f) The name and address of each of the individual's
16 employers. For purposes of this subdivision, "employer" includes a
17 contractor and any individual who has agreed to hire or contract
18 with the individual for his or her services. Information under this
19 subsection shall include the address or location of employment if
20 different from the address of the employer.

21 (g) The name and address of any school being attended by the
22 individual and any school that has accepted the individual as a
23 student that he or she plans to attend. For purposes of this
24 subdivision, "school" means a public or private postsecondary
25 school or school of higher education, including a trade school.

26 (h) All telephone numbers registered to the individual or
27 routinely used by the individual.

1 (i) All electronic mail addresses and instant message
2 addresses assigned to the individual or routinely used by the
3 individual and all login names or other identifiers used by the
4 individual when using any electronic mail address or instant
5 messaging system.

6 (j) The license plate number or registration number and
7 description of any motor vehicle, aircraft, or vessel owned or
8 regularly operated by the individual and the location at which the
9 motor vehicle, aircraft, or vessel is habitually stored or kept.

10 (k) The individual's driver license number or state personal
11 identification card number.

12 (l) A digital copy of the individual's passport and other
13 immigration documents.

14 (m) The individual's occupational and professional licensing
15 information, including any license that authorizes the individual
16 to engage in any occupation, profession, trade, or business.

17 (n) A brief summary of the individual's convictions for listed
18 offenses regardless of when the conviction occurred, including
19 where the offense occurred and the original charge if the
20 conviction was for a lesser offense.

21 (o) A complete physical description of the individual.

22 (p) The photograph required under section 5a.

23 (q) The individual's fingerprints and palm prints.

24 (r) An electronic copy of the offender's Michigan driver
25 license or Michigan personal identification card, including the
26 photograph required under this act.

27 (s) The text of the provision of law that defines the criminal

1 offense for which the sex offender is registered.

2 (t) Any outstanding arrest warrant information.

3 (u) The individual's tier classification and registration
4 status.

5 (v) An identifier that indicates whether a DNA sample has been
6 collected and any resulting DNA profile has been entered into the
7 federal combined DNA index system (CODIS).

8 (w) The individual's complete criminal history record,
9 including the dates of all arrests and convictions.

10 (x) The individual's Michigan department of corrections number
11 and the status of his or her parole, probation, or release.

12 (y) The individual's federal bureau of investigation number.

13 (2) The department shall maintain a public internet website
14 separate from the law enforcement database described in subsection
15 (1) to implement section 10(2) and (3). Except as provided in
16 subsection (4), the public internet website shall contain all of
17 the following information for each individual registered under this
18 act:

19 (a) The individual's legal name and any aliases, nicknames,
20 ethnic or tribal names, or other names by which the individual is
21 or has been known.

22 (b) The individual's date of birth.

23 (c) The address where the individual resides. If the
24 individual does not have a residential address, information under
25 this subsection shall identify the village, city, or township used
26 by the individual in lieu of a residence.

27 (d) The address of each of the individual's employers. For

1 purposes of this subdivision, "employer" includes a contractor and
2 any individual who has agreed to hire or contract with the
3 individual for his or her services. Information under this
4 subsection shall include the address or location of employment if
5 different from the address of the employer.

6 (e) The address of any school being attended by the individual
7 and any school that has accepted the individual as a student that
8 he or she plans to attend. For purposes of this subdivision,
9 "school" means a public or private postsecondary school or school
10 of higher education, including a trade school.

11 (f) The license plate number or registration number and
12 description of any motor vehicle, aircraft, or vessel owned or
13 regularly operated by the individual.

14 (g) A brief summary of the individual's convictions for listed
15 offenses regardless of when the conviction occurred.

16 (h) A complete physical description of the individual.

17 (i) The photograph required under this act. If no photograph
18 is available, the department shall use an arrest photograph or
19 Michigan department of corrections photograph until a photograph as
20 prescribed in section 5a becomes available.

21 (j) The text of the provision of law that defines the criminal
22 offense for which the sex offender is registered.

23 (k) The individual's registration status.

24 (l) The individual's tier classification.

25 (3) The following information shall not be made available on
26 the public internet website described in subsection (2):

27 (a) The identity of any victim of the offense.

1 (b) The individual's social security number.

2 (c) Any arrests not resulting in a conviction.

3 (d) Any travel or immigration document numbers.

4 (e) Any electronic mail addresses and instant message
5 addresses assigned to the individual or routinely used by the
6 individual and any login names or other identifiers used by the
7 individual when using any electronic mail address or instant
8 messaging system.

9 (f) The individual's driver license number or state personal
10 identification card number.

11 (4) The public internet website described in subsection (2)
12 shall not include the following individuals:

13 (a) An individual registered solely because he or she had 1 or
14 more dispositions for a listed offense entered under section 18 of
15 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
16 in a case that was not designated as a case in which the individual
17 was to be tried in the same manner as an adult under section 2d of
18 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

19 (b) An individual registered solely because he or she was the
20 subject of an order of disposition or other adjudication in a
21 juvenile matter in another state or country.

22 (c) An individual registered solely because he or she ~~has been~~
23 **WAS** convicted of a single tier I offense, ~~—OTHER THAN AN~~
24 **INDIVIDUAL WHO WAS CONVICTED OF A VIOLATION OF ANY OF THE**
25 **FOLLOWING:**

26 (i) **SECTION 145C(4) OF THE MICHIGAN PENAL CODE, 1931 PA 328,**
27 **MCL 750.145C.**

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

3 (iii) SECTION 349B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
4 750.349B, IF THE VICTIM IS A MINOR.

5 (iv) SECTION 539J OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
6 750.539J, IF A VICTIM IS A MINOR.

7 (v) ANY OTHER VIOLATION OF A LAW OF THIS STATE OR A LOCAL
8 ORDINANCE OF A MUNICIPALITY SUBSTANTIALLY SIMILAR TO AN OFFENSE
9 DESCRIBED IN SUBPARAGRAPHS (i) TO (iv) AND THAT BY ITS NATURE
10 CONSTITUTES A SEXUAL OFFENSE AGAINST AN INDIVIDUAL WHO IS A MINOR.

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

15 (5) The compilation of individuals shall be indexed
16 alphabetically by village, city, township, and county, numerically
17 by zip code area, and geographically as determined appropriate by
18 the department.

19 (6) The department shall update the public internet website
20 with new registrations, deletions from registrations, and address
21 changes at the same time those changes are made to the law
22 enforcement database described in subsection (1). The department
23 shall make the law enforcement database available to each
24 department post, local law enforcement agency, and sheriff's
25 department by the law enforcement information network. Upon request
26 by a department post, local law enforcement agency, or sheriff's
27 department, the department shall provide to that post, agency, or

1 sheriff's department the information from the law enforcement
2 database in printed form for the designated areas located in whole
3 or in part within the post's, agency's, or sheriff's department's
4 jurisdiction. The department shall provide the ability to conduct a
5 computerized search of the law enforcement database and the public
6 internet website based upon the name and campus location of an
7 institution of higher education.

8 (7) The department shall make the law enforcement database
9 available to a department post, local law enforcement agency, or
10 sheriff's department by electronic, computerized, or other similar
11 means accessible to the post, agency, or sheriff's department. The
12 department shall make the public internet website available to the
13 public by electronic, computerized, or other similar means
14 accessible to the public. The electronic, computerized, or other
15 similar means shall provide for a search by name, village, city,
16 township, and county designation, zip code, and geographical area.

17 (8) If a court determines that the public availability under
18 section 10 of any information concerning individuals registered
19 under this act violates the constitution of the United States or
20 this state, the department shall revise the public internet website
21 described in subsection (2) so that it does not contain that
22 information.

23 (9) If the department determines that an individual has
24 completed his or her registration period, including a registration
25 period reduced by law under ~~the amendatory act that added this~~
26 ~~subsection, 2011 PA 18~~, or that he or she otherwise is no longer
27 required to register under this act, the department shall remove

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1 the individual's registration information from both the law
2 enforcement database and the public internet website within 7 days
3 after making that determination.

4 (10) If the individual provides the department with
5 documentation showing that he or she is required to register under
6 this act for a violation that has been set aside under 1965 PA 213,
7 MCL 780.621 to 780.624, or that has been otherwise expunged, the
8 department shall note on the public internet website that the
9 violation has been set aside or expunged.

<<Enacting section 1. This amendatory act takes effect
June 1, 2013.>>