

HOUSE BILL No. 4035

January 22, 2013, Introduced by Rep. Geiss and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 35 (MCL 28.735), as amended by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 35. (1) Except as otherwise provided in this section and
2 section 36, an individual required to be registered under article
3 II shall not reside within a student safety zone.

4 (2) An individual who violates subsection (1) is guilty of a
5 crime as follows:

6 (a) For the first violation, the individual is guilty of a
7 misdemeanor punishable by imprisonment for not more than 1 year or
8 a fine of not more than \$1,000.00, or both.

9 (b) An individual who violates this section and has 1 or more

1 prior convictions under this section is guilty of a felony
2 punishable by imprisonment for not more than 2 years or a fine of
3 not more than \$2,000.00, or both.

4 (3) This section does not apply to any of the following:

5 (a) An individual who is not more than 19 years of age and
6 attends secondary school or postsecondary school, and resides with
7 his or her parent or guardian. However, this exception does not
8 apply to an individual who initiates or maintains contact with a
9 minor within that student safety zone, ~~However,~~ **EXCEPT THAT** the
10 individual may initiate or maintain contact with a minor with whom
11 he or she attends secondary school or postsecondary school in
12 conjunction with that school attendance.

13 (b) An individual who is not more than 26 years of age and
14 attends a special education program, and resides with his or her
15 parent or guardian or resides in a group home or assisted living
16 facility. However, an individual described in this subdivision
17 shall not initiate or maintain contact with a minor within that
18 student safety zone, ~~The~~ **EXCEPT THAT THE** individual ~~shall be~~
19 ~~permitted to~~ **MAY** initiate or maintain contact with a minor with
20 whom he or she attends a special education program in conjunction
21 with that attendance.

22 (c) An individual who was residing within that student safety
23 zone on January 1, 2006, **WHO HAS CONTINUED TO RESIDE IN THAT**
24 **STUDENT SAFETY ZONE SINCE THAT DATE, AND WHO HAS NOT SUBSEQUENTLY**
25 **BEEN CONVICTED OF AN OFFENSE FOR WHICH THE INDIVIDUAL IS REQUIRED**
26 **TO BE REGISTERED UNDER THIS ACT.** However, this exception does not
27 apply to an individual who initiates or maintains contact with a

1 minor within that student safety zone.

2 (d) An individual who is a patient in a hospital or hospice
3 that is located within a student safety zone. However, this
4 exception does not apply to an individual who initiates or
5 maintains contact with a minor within that student safety zone.

6 (e) An individual who resides within a student safety zone
7 because the individual is an inmate or resident of a prison, jail,
8 juvenile facility, or other correctional facility or is a patient
9 of a mental health facility under an order of commitment. However,
10 this exception does not apply to an individual who initiates or
11 maintains contact with a minor within that student safety zone.

12 (4) An individual who resides within a student safety zone and
13 who is subsequently required to register under article II shall
14 change his or her residence to a location outside the student
15 safety zone not more than 90 days after he or she is sentenced for
16 the conviction that gives rise to the obligation to register under
17 article II. However, this exception does not apply to an individual
18 who initiates or maintains contact with a minor within that student
19 safety zone during the 90-day period described in this subsection.

20 (5) This section does not prohibit an individual from being
21 charged with, convicted of, or punished for any other violation of
22 law that is committed by that individual while violating this
23 section.