

SENATE BILL No. 76

January 24, 2013, Introduced by Senators BOOHER, ROBERTSON, PROOS, ANDERSON, JONES, MARLEAU and HOPGOOD and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 34 and 35 (MCL 28.734 and 28.735), as amended
by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) Except as provided in this section and section
2 36, an individual required to be registered under article II **FOR AN**
3 **OFFENSE THAT WAS COMMITTED AGAINST A MINOR** shall not do 1 or more
4 of the following:

5 (a) Work within a student safety zone.

6 (b) Loiter within a student safety zone **OR WITHIN 1,000 FEET**
7 **OF A LICENSED DAY CARE CENTER. AS USED IN THIS SUBDIVISION, "DAY**
8 **CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1973 PA**
9 **116, MCL 722.111.**

10 (2) An individual who violates this section is guilty of a

1 crime as follows:

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

5 (b) An individual who violates this section and has 1 or more
6 prior convictions under this section is guilty of a felony
7 punishable by imprisonment for not more than 2 years or a fine of
8 not more than \$2,000.00, or both.

9 (3) Subsection (1)(a) does not apply to any of the following:

10 (a) An individual who was working within a student safety zone
11 on January 1, 2006. However, this exception does not apply to an
12 individual who initiates or maintains contact with a minor within
13 that student safety zone.

14 (b) An individual whose place of employment is within a
15 student safety zone solely because a school is relocated or is
16 initially established 1,000 feet or less from the individual's
17 place of employment. However, this exception does not apply to an
18 individual who initiates or maintains contact with a minor within
19 that student safety zone.

20 (c) An individual who only intermittently or sporadically
21 enters a student safety zone for the purpose of work. However, this
22 exception does not apply to an individual who initiates or
23 maintains contact with a minor within a student safety zone.

24 **(4) SUBSECTION (1)(A) AND (B) DOES NOT APPLY TO EITHER OF THE**
25 **FOLLOWING:**

26 **(A) AN INDIVIDUAL WHO IS WITHIN A STUDENT SAFETY ZONE OR**
27 **WITHIN 1,000 FEET OF A DAY CARE CENTER WHILE TRANSPORTING HIS OR**

1 HER CHILD TO OR FROM SCHOOL OR TO OR FROM A SCHOOL-SANCTIONED
2 EVENT.

3 (B) AN INDIVIDUAL WHO IS WITHIN A STUDENT SAFETY ZONE OR
4 WITHIN 1,000 FEET OF A DAY CARE CENTER FOR THE PURPOSE OF MEETING
5 WITH AN EMPLOYEE OF THE SCHOOL REGARDING THE ATTENDANCE OF HIS OR
6 HER CHILD AT THAT SCHOOL.

7 (5) ~~(4)~~—This section does not prohibit an individual from
8 being charged with, convicted of, or punished for any other
9 violation of law that is committed by that individual while
10 violating this section.

11 (6) ~~(5)~~—Nothing in this section shall be construed to prohibit
12 an individual from exercising his or her right to vote.

13 Sec. 35. (1) Except as otherwise provided in this section and
14 section 36, an individual required to be registered under article
15 II **FOR AN OFFENSE COMMITTED AGAINST A MINOR** shall not reside within
16 a student safety zone.

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

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

22 (b) An individual who violates this section and has 1 or more
23 prior convictions under this section is guilty of a felony
24 punishable by imprisonment for not more than 2 years or a fine of
25 not more than \$2,000.00, or both.

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

27 (a) An individual who is not more than 19 years of age and

1 attends secondary school or postsecondary school, and resides with
2 his or her parent or guardian. However, this exception does not
3 apply to an individual who initiates or maintains contact with a
4 minor within that student safety zone. ~~However, the~~ **THE** individual
5 may initiate or maintain contact with a minor with whom he or she
6 attends secondary school or postsecondary school in conjunction
7 with that school attendance.

8 (b) An individual who is not more than 26 years of age and
9 attends a special education program, and resides with his or her
10 parent or guardian or resides in a group home or assisted living
11 facility. However, an individual described in this subdivision
12 shall not initiate or maintain contact with a minor within that
13 student safety zone. The individual shall be permitted to initiate
14 or maintain contact with a minor with whom he or she attends a
15 special education program in conjunction with that attendance.

16 (c) An individual who was residing within that student safety
17 zone on January 1, 2006. However, this exception does not apply to
18 an individual who initiates or maintains contact with a minor
19 within that student safety zone.

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

24 (e) An individual who resides within a student safety zone
25 because the individual is an inmate or resident of a prison, jail,
26 juvenile facility, or other correctional facility or is a patient
27 of a mental health facility under an order of commitment. However,

1 this exception does not apply to an individual who initiates or
2 maintains contact with a minor within that student safety zone.

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

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