

SEX OFFENDER REGISTRATION ACT REVISIONS

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Senate Bill 581 (Substitute H-2, proposed)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 3-22-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would revise the Sex Offenders Registration Act (SORA) to do the following in regard to a registrant living or loitering within a student safety zone:

- ❖ Currently, a registrant may not work within a student safety zone. The bill would also specify in Section 33 of the act that a registrant could not reside within a student safety zone. (Section 35, which is not being amended by the act, prohibits a registrant from residing within a school safety zone, with some exceptions.)
- ❖
- ❖ Currently, a registrant may not loiter within a student safety zone; "loiter" is defined to mean to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors. The bill would delete the definition of "loiter" and instead prohibit a registrant from intentionally entering and remaining on school property, except for a listed activity (described below).
- ❖ "School property" would be redefined to mean a building, playing field, or other property that is used for school purposes to impart instruction to children or used for functions and events sponsored by a school, designated by the school or school district as being school property, and clearly marked and identified as being school property.
- ❖ "School safety zone" would be redefined to mean school property and the area that lies 1,000 feet or less from the property line of school property. The distance between a dwelling or a place of work and a school safety zone would have to be measured from the property line of a residence or place of work and the property line of school property. (The bill does not specify if the measurement is made according to how people travel, e.g., by street or sidewalk, or measured according to how the "crow flies.")
- ❖ The following registrants would not be considered to be violating the prohibition on intentionally entering and remaining on school property:
 - A parent or legal guardian on school property while transporting his or her child to or from the child's school or to or from an event sanctioned by the child's school.

- A parent or legal guardian on school property attending an event sanctioned by his or her child's school, if the child is participating in that event.
- A parent or legal guardian on school property for the purpose of meeting with an employee of the school regarding his or her child enrolled at that school.
- An individual who only intermittently or sporadically enters a student safety zone for the purpose of work, unless the individual initiates or maintains contact with a minor.

Revisions to reporting requirements

The bill would eliminate provisions that currently require a registrant to report in person and notify the registering authority:

- ❖ Immediately after establishing any electronic mail or instant message address, or any other designations used in Internet communications or postings.
- ❖ Immediately after purchasing or begins to regularly operate any vehicle, and when ownership or operation of the vehicle is discontinued.

Revisions to information required when registering on the SOR

The bill revises information required to be obtained or provided for registration purposes as follows:

- ❖ Retain the requirement for all telephone numbers registered to the individual be provided, but delete the requirement requiring telephone numbers routinely used by the individual also be provided.
- ❖ Require all electronic mail addresses and instant message names and addresses routinely used by the individual to be provided. "Routinely used" would mean used not less often than six times per calendar year. This is in addition to the current requirement that all login names or other identifiers used by the individual when using any email address or instant messaging system be provided.
- ❖ Delete the requirement for the license plate number, registration number, and description of any motor vehicle, aircraft, or vessel regularly operated by the individual be provided, and instead require the information to be provided *for any of the vehicles registered to the address where the individual resides*. Information pertaining to any vehicle owned by the registrant would still have to be provided.

This information would have to be provided the first time the individual is required to register after the bill's effective date.

Revisions to Law Enforcement Registry

Currently, all telephone numbers registered to a registrant and all email addresses and instant message addresses assigned to the registrant, as well as ones *routinely used*, must be included in the registry maintained by the Department of State Police (MSP). The bill would eliminate the reference to ones "routinely used" by the registrant.

Similarly, the license plate number or registration number and description of any motor vehicle, aircraft, or vessel owned *or regularly operated* by the registrant, as well as the location at which the vehicle, aircraft, or vessel is habitually stored or kept, must be contained in the MSP registry. The bill would eliminate the reference to ones "regularly operated."

However, the bill would require that the license plate or registration number and description of any motor vehicle, aircraft, or vessel that is registered to the address where the individual resides must be included in the information maintained in the MSP registry. The location at which the vehicle, aircraft, or vessel is habitually stored or kept must be reported, as well.

Revisions to Public Registry

Currently, the registry accessible by the public must contain the license plate number or registration number and description of any motor vehicle, aircraft, or vessel owned *or regularly operated* by the registrant, as well as any email addresses and instant message addresses assigned to the registrant *or routinely used* by the registrant. The bill would eliminate the references to vehicles, etc. "regularly operated" by the registrant and email and instant messages addresses "routinely used" by the registrant.

Registration fee for an indigent registrant.

The bill would require the \$50 initial registration fee to be waived for an indigent registrant until the first reporting month in which he or she was no longer indigent, and require the \$50 annual fee for an indigent registrant to be waived permanently.

FISCAL IMPACT:

Department of State Police.

SB 581 would have an indeterminate fiscal impact on the state and local units of government. Any additional costs or losses of revenue resulting from this bill would depend upon the number of fee waivers granted to indigent registrants as well as any change in the number of prosecutions resulting from a possible increase or decrease in arrests.

Corrections

Any increase in misdemeanor or felony convictions would increase costs on state and local correctional systems. New felony convictions would result in increased costs related to state prisons and state probation supervision. The average annual cost of prison incarceration in a state facility was roughly \$35,200 per prisoner in fiscal year 2015, a figure that includes various fixed administrative and operational costs. Annual state costs for parole and felony probation supervision averaged about \$3,600 per supervised offender during that same time period. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues. Also, the bill would

increase costs on the judiciary and local court funding units, with the fiscal impact depending on how the provisions of the bill affected caseloads and related administrative costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.