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BILL



ANALYSIS

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Senate Bill 581 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Sex Offenders Registration Act (SORA) to do the following in regard to the prohibition against a sex offender registrant's loitering near a school:

- Prohibit a person required to be registered from loitering on school property or within 300 feet of the property line of school property.
- Redefine "loiter" as to remain for a period of time, whether or not in a vehicle, with the intent to engage or solicit another person to engage in an act prohibited by a listed offense involving a minor for which registration is required.
- Create a rebuttable presumption that a parent or guardian was not violating the prohibition if he or she were on school property to transport his or her child to or from school or a school-sanctioned event; to attend a school-sanctioned event; or to meet with a school employee regarding his or her child.
- Revise the definitions of "student safety zone" and "school property".

The bill also would do the following regarding registration information and database requirements:

- Delete a requirement that a registrant report immediately and in person when he or she establishes any e-mail or instant message address, or any other designations used in internet communications or postings, and when he or she buys or begins to regularly operate any vehicle.
- Delete from the information that must be provided for registration purposes all telephone numbers routinely used by a registrant.
- Delete a requirement that a registrant provide registration information about, and a description of, a vehicle, aircraft, or vessel that he or she regularly operates.
- Require a registrant to provide registration information about, and a description of, a vehicle, aircraft, or vessel registered to the address where he or she lived.
- Revise the information that must be kept in the computerized law enforcement database of SORA registrations, to reflect the proposed changes in the information a registrant must provide.
- Delete a requirement that the publicly available website of registry information include the license plate number or registration number and description of any motor vehicle, aircraft, or vessel regularly operated by a registrant.

In addition, 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.

MCL 28.725 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local governments. The bill would add a rebuttable presumption allowing parents or guardians of students to be on school grounds for specific purposes. In addition, the bill would provide specificity regarding the distance from school property that convicted individuals would have to maintain. It is unknown whether the combination of these provisions would lead to more or fewer arrests and convictions under the Act.

An increase in misdemeanor or felony arrests and convictions could increase resource demands on local court systems, law enforcement, and jails or prisons. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Conversely, to the extent that the bill prevented misdemeanor or felony arrests and convictions, costs would be avoided.

The bill would have a minimal fiscal impact on the Department of State Police. The provisions regarding the delay or waiver of the registration fee for indigent registrants would have little impact on fee collections, particularly because very few registrants are ever declared indigent.

Date Completed: 11-10-15

Fiscal Analyst: Bruce Baker
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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.