

HOUSE BILL No. 4081

January 28, 2015, Introduced by Reps. Durhal, Phelps, Smiley, Darany, Greimel, Schor, Santana, Talabi, Dillon, Zemke, Chirkun, Townsend, Byrd, Love and Kosowski and referred to the Committee on Criminal Justice.

A bill to require persons convicted of certain stalking offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "stalker offender registration act".

3 Sec. 2. As used in this act:

4 (a) "Convicted" means 1 of the following:

5 (i) Having a judgment of conviction or a probation order
6 entered in any court having jurisdiction over criminal offenses,
7 including, but not limited to, a tribal court or a military
8 court, and including a conviction subsequently set aside under
9 1965 PA 213, MCL 780.621 to 780.624.

(ii) Either of the following:

(A) Being assigned to youthful trainee status under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, before October 1, 2004.

(B) Being assigned to youthful trainee status under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the individual's status of youthful trainee is revoked and an adjudication of guilt is entered.

(iii) Having an order of disposition entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the general public under section 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28.

(iv) Having an order of disposition or other adjudication in a juvenile matter in another state or country.

(b) "Department" means the department of state police.

(c) "Institution of higher education" means 1 or more of the following:

(i) A public or private community college, college, or university.

(ii) A public or private trade, vocational, or occupational school.

(d) "Local law enforcement agency" means the police department of a municipality.

(e) "Municipality" means a city, village, or township of this state.

1 (f) "Residence", as used in this act, for registration and
2 voting purposes means that place at which a person habitually
3 sleeps, keeps his or her personal effects, and has a regular
4 place of lodging. If a person has more than 1 residence, or if a
5 wife has a residence separate from that of the husband, that
6 place at which the person resides the greater part of the time
7 shall be his or her official residence for the purposes of this
8 act. This section shall not be construed to affect existing
9 judicial interpretation of the term residence.

10 (g) "Stalking offense" means either of the following:

11 (i) A felony violation of section 411h or 411i of the
12 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

13 (ii) An offense substantially similar to an offense described
14 in subparagraph (i) under a law of the United States, any state,
15 or any country or under tribal or military law.

16 (h) "Stalking offender" means an individual convicted of a
17 stalking offense.

18 (i) "Student" means an individual enrolled on a full- or
19 part-time basis in a public or private educational institution,
20 including, but not limited to, a secondary school, trade school,
21 professional institution, or institution of higher education.

22 Sec. 3. The following individuals who are domiciled or
23 temporarily reside in this state for 14 or more consecutive days,
24 who work with or without compensation or are students in this
25 state for 14 or more consecutive days, or who are domiciled,
26 reside, or work with or without compensation or are students in
27 this state for 30 or more total days in a calendar year are

1 required to be registered under this act:

2 (a) An individual who is convicted of a stalking offense
3 after July 1, 2015.

4 (b) An individual convicted of a stalking offense on or
5 before July 1, 2015 if on July 1, 2015 he or she is on probation
6 or parole, committed to jail, committed to the jurisdiction of
7 the department of corrections, or under the jurisdiction of the
8 juvenile division of the probate court or the department of human
9 services for that offense or is placed on probation or parole,
10 committed to jail, committed to the jurisdiction of the
11 department of corrections, placed under the jurisdiction of the
12 juvenile division of the probate court or family division of
13 circuit court, or committed to the department of human services
14 after July 1, 2015 for that offense.

15 (c) An individual convicted of a stalking offense on or
16 before July 1, 2015 if on July 1, 2015 he or she is on probation
17 or parole that has been transferred to this state for that
18 offense or his or her probation or parole is transferred to this
19 state after July 1, 2015 for that offense.

20 (d) An individual from another state who is required to
21 register or otherwise be identified as a stalking offender under
22 a comparable statute of that state.

23 Sec. 4. (1) Registration of an individual under this act
24 shall proceed as provided in this section.

25 (2) For an individual convicted of a stalking offense on or
26 before July 1, 2015 who on or before July 1, 2015 is sentenced
27 for that offense, has a disposition entered for that offense, or

1 is assigned to youthful trainee status for that offense, the
2 following shall register the individual by September 1, 2015:

3 (a) If the individual is on probation for a stalking
4 offense, the individual's probation officer.

5 (b) If the individual is committed to jail for the stalking
6 offense, the sheriff or his or her designee.

7 (c) If the individual is under the jurisdiction of the
8 department of corrections for the stalking offense, the
9 department of corrections.

10 (d) If the individual is on parole for the stalking offense,
11 the individual's parole officer.

12 (e) If the individual is within the jurisdiction of the
13 juvenile division of the probate court or the department of human
14 services under an order of disposition for the stalking offense,
15 the juvenile division of the probate court or the department of
16 social services.

17 (3) Except as provided in subsection (4), for an individual
18 convicted of a stalking offense on or before July 1, 2015:

19 (a) If the individual is sentenced for that offense after
20 July 1, 2015 or assigned to youthful trainee status after July 1,
21 2015, the probation officer shall register the individual before
22 sentencing or assignment.

23 (b) If the individual's probation or parole is transferred
24 to this state after July 1, 2015, the probation or parole officer
25 shall register the individual within 14 days after the transfer.

26 (c) If the individual is placed within the jurisdiction of
27 the juvenile division of the probate court or family division of

1 circuit court or committed to the department of human services
2 under an order of disposition entered after July 1, 2015, the
3 juvenile division of the probate court or family division of
4 circuit court shall register the individual before the order of
5 disposition is entered.

6 (4) Subject to section 3, an individual convicted of a
7 stalking offense in this state after July 1, 2015 shall register
8 before sentencing, entry of the order of disposition, or
9 assignment to youthful trainee status. The probation officer or
10 the family division of circuit court shall give the individual
11 the registration form after the individual is convicted, explain
12 the duty to register and to pay a registration fee, to verify his
13 or her address, and to provide notice of address changes, and
14 accept the completed registration for processing under section 6.
15 The court shall not impose sentence, enter the order of
16 disposition, or assign the individual to youthful trainee status,
17 until it determines that the individual's registration was
18 forwarded to the department as required under section 6.

19 (5) All of the following shall register with the local law
20 enforcement agency, sheriff's department, or the department
21 within 14 days after becoming domiciled or temporarily residing,
22 working, or being a student in this state for the periods
23 specified in section 3:

24 (a) Subject to section 3, an individual convicted of a
25 stalking offense in another state or country after July 1, 2015.

26 (b) An individual required to be registered as a stalking
27 offender in another state or country regardless of when the

1 conviction was entered.

2 Sec. 4a. (1) An individual required to be registered under
3 this act who is not a resident of this state shall report his or
4 her status in person to the local law enforcement agency or
5 sheriff's department having jurisdiction over a campus of an
6 institution of higher education, or to the department post
7 nearest to that campus, if any of the following occur:

8 (a) Regardless of whether he or she is financially
9 compensated or receives any governmental or educational benefit,
10 the individual is or becomes a full- or part-time employee,
11 contractual provider, or volunteer with that institution of
12 higher education and his or her position will require that he or
13 she be present on that campus for 14 or more consecutive days or
14 30 or more total days in a calendar year.

15 (b) The individual is or becomes an employee of a
16 contractual provider described in subdivision (a) and his or her
17 position will require that he or she be present on that campus
18 for 14 or more consecutive days or 30 or more total days in a
19 calendar year.

20 (c) The status described in subdivision (a) or (b) is
21 discontinued.

22 (d) The individual changes the campus on which he or she is
23 an employee, a contractual provider, an employee of a contractual
24 provider, or a volunteer as described in subdivision (a) or (b).

25 (e) The individual is or enrolls as a student with that
26 institution of higher education or the individual discontinues
27 that enrollment.

1 (f) As part of his or her course of studies at an
2 institution of higher education in this state, the individual is
3 present at any other location in this state, another state, a
4 territory or possession of the United States, or another country
5 for 14 or more consecutive days or 30 or more total days in a
6 calendar year, or the individual discontinues his or her studies
7 at that location.

8 (2) An individual required to be registered under this act
9 who is a resident of this state shall report his or her status in
10 person to the local law enforcement agency or sheriff's
11 department having jurisdiction where his or her new residence or
12 domicile is located or the department post nearest to the
13 individual's new residence or domicile, if any of the events
14 described under subsection (1) occur.

15 (3) The report required under subsections (1) and (2) shall
16 be made within 10 days after the individual becomes an employee,
17 a contractual provider, an employee of a contractual provider, or
18 a volunteer on that campus, or discontinues that status, or
19 changes location, or within 10 days after he or she enrolls or
20 discontinues his or her enrollment as a student on that campus
21 including study in this state or another state, a territory or
22 possession of the United States, or another country.

23 (4) The additional registration reports required under this
24 section shall be made in the time periods described in section 5a
25 for reports under that section.

26 (5) The local law enforcement agency, sheriff's department,
27 or department post to which an individual reports under this

1 section shall require the individual to pay the registration fee
2 required under section 5a or section 7(1) and to present written
3 documentation of employment status, contractual relationship,
4 volunteer status, or student status. Written documentation under
5 this subsection may include, but need not be limited to, any of
6 the following:

7 (a) A W-2 form, pay stub, or written statement by an
8 employer.

9 (b) A contract.

10 (c) A student identification card or student transcript.

11 Sec. 5. (1) An individual required to be registered under
12 this act shall notify the local law enforcement agency or
13 sheriff's department having jurisdiction where his or her new
14 residence or domicile is located or the department post of the
15 individual's new residence or domicile within 10 days after the
16 individual changes or vacates his or her residence, domicile, or
17 place of work or education, including any change required to be
18 reported under section 4a.

19 (2) If an individual who is incarcerated in a state
20 correctional facility and is required to be registered under this
21 act is granted parole or is due to be released upon completion of
22 his or her maximum sentence, the department of corrections,
23 before releasing the individual, shall provide notice of the
24 location of the individual's proposed place of residence or
25 domicile to the sheriff's department having jurisdiction over
26 that location or to the appropriate state police department post.

27 (3) Within 10 days after either of the following occurs, the

1 department of corrections shall notify the local law enforcement
2 agency or sheriff's department having jurisdiction over the area
3 to which the individual is transferred or the department post of
4 the transferred residence or domicile of an individual required
5 to be registered under this act:

6 (a) The individual is transferred to a community residential
7 program.

8 (b) The individual is transferred into a minimum custody
9 correctional facility of any kind, including a correctional camp
10 or work camp.

11 (4) An individual required to be registered under this act
12 shall notify the department on a form prescribed by the
13 department not later than 10 days before he or she changes his or
14 her domicile or residence to another state. The individual shall
15 indicate the new state and, if known, the new address. The
16 department shall update the registration and compilation
17 databases and promptly notify the appropriate law enforcement
18 agency and any applicable stalker offender registration authority
19 in the new state.

20 (5) If the probation or parole of an individual required to
21 be registered under this act is transferred to another state or
22 an individual required to be registered under this act is
23 transferred from a state correctional facility to any
24 correctional facility or probation or parole in another state,
25 the department of corrections shall promptly notify the
26 department and the appropriate law enforcement agency and any
27 applicable stalker offender registration authority in the new

1 state. The department shall update the registration and
2 compilation databases.

3 (6) An individual registered under this act shall comply
4 with the verification procedures and proof of residence
5 procedures prescribed in sections 4a and 5a.

6 (7) Except as provided in subsection (8), an individual
7 shall comply with this section for 25 years after the date of
8 initially registering or, if the individual is in a state
9 correctional facility, for 10 years after release from the state
10 correctional facility, whichever is longer.

11 (8) An individual shall comply with this section for life if
12 the individual is convicted of any of the following violations if
13 that violation involved a stalking offense or a substantially
14 similar violation under a law of the United States, any state, or
15 any country or under tribal or military law that involved a
16 stalking offense:

17 (a) Section 83 of the Michigan penal code, 1931 PA 328, MCL
18 750.83 (assault with intent to commit murder).

19 (b) Section 91 of the Michigan penal code, 1931 PA 328, MCL
20 750.91 (attempted murder).

21 (c) Section 316 of the Michigan penal code, 1931 PA 328, MCL
22 750.316 (first degree murder).

23 (d) Section 317 of the Michigan penal code, 1931 PA 328, MCL
24 750.317 (second degree murder).

25 (e) Section 321 of the Michigan penal code, 1931 PA 328, MCL
26 750.321 (manslaughter).

27 (f) An attempt or conspiracy to commit an offense described

1 in subdivisions (a) to (e).

2 Sec. 5a. (1) The department shall mail a notice to each
3 individual registered under this act who is not in a state
4 correctional facility explaining the individual's duties under
5 this act as amended.

6 (2) Upon the release of an individual registered under this
7 act who is in a state correctional facility, the department of
8 corrections shall provide written notice to that individual
9 explaining his or her duties under this section and this act as
10 amended and the procedure for registration, notification, and
11 verification and payment of the registration fee prescribed under
12 subsection (6) or section 7(1). The individual shall sign and
13 date the notice. The department of corrections shall maintain a
14 copy of the signed and dated notice in the individual's file. The
15 department of corrections shall forward the original notice to
16 the department immediately, regardless of whether the individual
17 signs it.

18 (3) Subject to subsection (4), an individual required to be
19 registered under this act who is not incarcerated shall report in
20 person to the registering authority where he or she is domiciled
21 or resides for verification of domicile or residence as follows:

22 <u>Birth Month</u>	<u>Reporting Months</u>
23 January	January and July
24 February	February and August
25 March	March and September
26 April	April and October

1 May	May and November
2 June	June and December
3 July	January and July
4 August	February and August
5 September	March and September
6 October	April and October
7 November	May and November
8 December	June and December

9 (4) A report under subsection (3) shall be made no earlier
10 than the first day or later than the last day of the month in
11 which the individual is required to report. However, if the
12 registration period for that individual expires during the month
13 in which he or she is required to report under this section, the
14 individual shall report during that month on or before the date
15 his or her registration period expires. When an individual
16 reports under subsection (3), the individual shall review all
17 registration information for accuracy.

18 (5) When an individual reports under subsection (3), an
19 officer or authorized employee of the registering authority shall
20 verify the individual's residence or domicile and any information
21 required to be reported under section 4a. The officer or
22 authorized employee shall also determine whether the individual's
23 photograph required under this act matches the appearance of the
24 individual sufficiently to properly identify him or her from that
25 photograph. If not, the officer or authorized employee shall
26 require the individual to immediately obtain a current photograph
27 under this section. When all of the verification information has

1 been provided, the officer or authorized employee shall review
2 that information with the individual and make any corrections,
3 additions, or deletions the officer or authorized employee
4 determines are necessary based on the review. The officer or
5 authorized employee shall sign and date a verification receipt.
6 The officer or authorized employee shall give a copy of the
7 signed receipt showing the date of verification to the
8 individual. The officer or authorized employee shall forward
9 verification information to the department in the manner the
10 department prescribes. The department shall revise the law
11 enforcement database and public internet website maintained under
12 section 8 as necessary and shall indicate verification in the
13 public internet website maintained under section 8(2).

14 (6) Except as otherwise provided in section 5b, an
15 individual who reports as prescribed under subsection (3) shall
16 pay a \$50.00 registration fee as follows:

17 (a) Upon initial registration.

18 (b) Annually following the year of initial registration. The
19 payment of the registration fee under this subdivision shall be
20 made at the time the individual reports in the first reporting
21 month for that individual as set forth in subsection (3) of each
22 year in which the fee applies, unless an individual elects to
23 prepay an annual registration fee for any future year for which
24 an annual registration fee is required. Prepaying any annual
25 registration fee shall not change or alter the requirement of an
26 individual to report as set forth in subsection (3). The
27 registration fee required to be paid under this subdivision shall

1 not be prorated on grounds that the individual will complete his
2 or her registration period after the month in which the fee is
3 due.

4 (c) The sum of the amounts required to be paid under
5 subdivisions (a) and (b) shall not exceed \$550.00.

6 (7) An individual required to be registered under this act
7 shall maintain either a valid operator's or chauffeur's license
8 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
9 257.923, or an official state personal identification card issued
10 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
11 current address. The license or card may be used as proof of
12 domicile or residence under this section. In addition, the
13 officer or authorized employee may require the individual to
14 produce another document bearing his or her name and address,
15 including, but not limited to, voter registration or a utility or
16 other bill. The department may specify other satisfactory proof
17 of domicile or residence.

18 (8) An individual registered under this act who is
19 incarcerated shall report to the secretary of state under this
20 subsection immediately after he or she is released to have his or
21 her digitalized photograph taken. The individual is not required
22 to report under this subsection if he or she had a digitized
23 photograph taken for an operator's or chauffeur's license or
24 official state personal identification card within 2 years before
25 he or she is released unless his or her appearance has changed
26 from the date of that photograph. Unless the person is a
27 nonresident, the photograph shall be used on the individual's

1 operator's or chauffeur's license or official state personal
2 identification card. The individual shall have a new photograph
3 taken when he or she renews the license or identification card as
4 provided by law, or as otherwise provided in this act. The
5 secretary of state shall make the digitized photograph available
6 to the department for a registration under this act.

7 (9) If an individual does not report under this section or
8 under section 4a, the department shall notify all registering
9 authorities as provided in section 8a and initiate enforcement
10 action as set forth in that section.

11 (10) The department shall prescribe the form for the notices
12 and verification procedures required under this section.

13 Sec. 5b. (1) Of the money collected by a court, local law
14 enforcement agency, sheriff's department, or department post from
15 each registration fee prescribed under this act, \$25.00 shall be
16 forwarded to the department, which shall deposit the money in the
17 stalking offender registration fund created under subsection (2),
18 and \$10.00 shall be retained by the court, local law enforcement
19 agency, sheriff's department, or department post.

20 (2) The stalking offender registration fund is created as a
21 separate fund in the department of treasury. The state treasurer
22 shall credit the money received from the payment of the
23 registration fee prescribed under this act to the stalking
24 offender registration fund. Money credited to the fund shall only
25 be used by the department for training concerning, and the
26 maintenance and automation of, the databases, compilation, and
27 information required under section 8. Money in the stalking

1 offender registration fund at the close of the fiscal year shall
2 remain in the fund and shall not lapse to the general fund.

3 (3) If an individual required to pay a registration fee
4 under this act is indigent, the registration fee shall be
5 temporarily waived. The burden is on the individual claiming
6 indigence to prove the fact of indigence to the satisfaction of
7 the local law enforcement agency, sheriff's department, or
8 department post where the individual is reporting.

9 (4) Payment of the registration fee prescribed under this
10 act shall be made in the form and by means prescribed by the
11 department. Upon payment of the registration fee prescribed under
12 this act, the officer or employee shall forward verification of
13 the payment to the department by the law enforcement information
14 network in the manner the department prescribes. The department
15 shall revise the databases maintained under section 8 as
16 necessary and shall indicate verification of payment in the
17 compilation under section 8(2).

18 Sec. 5c. The department of corrections shall not collect any
19 fee prescribed under this act.

20 Sec. 6. (1) The officer, court, or agency registering an
21 individual or receiving or accepting a registration under section
22 4 or receiving notice under section 5(1) shall provide the
23 individual with a copy of the registration or notification at the
24 time of registration or notice.

25 (2) The officer, court, or agency registering an individual
26 or receiving or accepting a registration under section 4 or
27 notified of an address change under section 5(1) shall forward

1 the registration or notification to the department by the law
2 enforcement information network within 3 business days after
3 registration or notification.

4 Sec. 7. (1) A registration under this act shall be made on a
5 form provided by the department and shall be forwarded to the
6 department in the format the department prescribes, along with a
7 \$35.00 registration fee for each original registration, except as
8 otherwise provided in section 5b. A registration shall contain
9 all of the following:

10 (a) The individual's name, social security number, date of
11 birth, and address or expected address. An individual who is in a
12 witness protection and relocation program is only required to use
13 the name and identifying information reflecting his or her new
14 identity in a registration under this act. The registration and
15 compilation databases shall not contain any information
16 identifying the individual's prior identity or locale. The
17 department shall request each individual to provide his or her
18 date of birth if it is not included in the registration, and that
19 individual shall comply with the request within 10 days.

20 (b) A brief summary of the individual's convictions for
21 stalking offenses regardless of when the conviction occurred,
22 including where the offense occurred and the original charge if
23 the conviction was for a lesser offense.

24 (c) A complete physical description of the individual.

25 (d) The photograph required under section 5a.

26 (e) The individual's fingerprints if not already on file
27 with the department. The department shall forward a copy of the

1 individual's fingerprints to the federal bureau of investigation
2 if not already on file with that bureau.

3 (f) Information that is required to be reported under
4 section 4a.

5 (2) A registration may contain the individual's blood type
6 and whether a DNA identification profile of the individual is
7 available.

8 (3) The form used for registration or verification under
9 this act shall contain a written statement that explains the duty
10 of the individual being registered to provide notice of a change
11 of address under section 5, the procedures for providing that
12 notice, and the verification procedures under section 5a.

13 (4) The individual shall sign a registration, notice, and
14 verification. However, the registration, notice, or verification
15 shall be forwarded to the department regardless of whether the
16 individual signs it or pays the registration fee required under
17 subsection (1).

18 (5) The officer, court, or an employee of the agency
19 registering the individual or receiving or accepting a
20 registration under section 4 shall sign the registration form.

21 (6) An individual shall not knowingly provide false or
22 misleading information concerning a registration, notice, or
23 verification.

24 (7) The department shall prescribe the form for a
25 notification required under section 5 and the format for
26 forwarding the notification to the department.

27 (8) The department shall promptly provide registration,

1 notice, and verification information to the federal bureau of
2 investigation and to local law enforcement agencies, sheriff's
3 departments, department posts, and agencies of other states
4 requiring the information, as provided by law.

5 Sec. 8. (1) The department shall maintain a computerized
6 database of registrations and notices required under this act.

7 (2) The department shall maintain a computerized database
8 separate from that described in subsection (1) to implement
9 section 10(2) and (3). Except as provided in subsection (3), the
10 database shall consist of a compilation of individuals registered
11 under this act.

12 (3) The database described in subsection (2) shall not
13 include an individual registered solely because he or she had 1
14 or more dispositions for a stalking offense entered under section
15 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
16 712A.18, in a case that was not designated as a case in which the
17 individual was to be tried in the same manner as an adult under
18 section 2d of chapter XIIA of the probate code of 1939, 1939 PA
19 288, MCL 712A.2d. The exclusion for juvenile dispositions does
20 not apply to a disposition for murder or manslaughter after the
21 individual becomes 18 years of age.

22 (4) The compilation of individuals shall be indexed
23 numerically by zip code area. Within each zip code area, the
24 compilation shall contain all of the following information:

25 (a) The name and aliases, address, physical description, and
26 birth date of each individual registered under this act who is
27 included in the compilation and who resides in that zip code area

1 and any stalking offense of which the individual has been
2 convicted.

3 (b) The name and campus location of each institution of
4 higher education to which the individual is required to report
5 under section 4a.

6 (c) The photograph of each individual registered under this
7 act. The department shall obtain the photographs submitted under
8 section 5a from the secretary of state for purposes of
9 implementing this subdivision.

10 (5) The department shall update the compilation with new
11 registrations, deletions from registrations, and address changes
12 at the same time those changes are made to the database described
13 in subsection (1). The department shall make the compilation
14 available to each department post, local law enforcement agency,
15 and sheriff's department by the law enforcement information
16 network. Upon request by a department post, local law enforcement
17 agency, or sheriff's department, the department shall provide to
18 that post, agency, or sheriff's department the information from
19 the compilation in printed form for the zip code areas located in
20 whole or in part within the post's, agency's, or sheriff's
21 department's jurisdiction. The department shall provide the
22 ability to conduct a computerized search of the compilation based
23 upon the name and campus location of an institution of higher
24 education described in subsection (4)(b).

25 (6) The department shall make the compilation or information
26 from the compilation available to a department post, local law
27 enforcement agency, sheriff's department, and the public by

1 electronic, computerized, or other similar means accessible to
2 the post, agency, or sheriff's department. The electronic,
3 computerized, or other similar means shall provide for both a
4 search by name and by zip code.

5 (7) If a court determines that the public availability under
6 section 10 of any information concerning individuals registered
7 under this act, including names and aliases, addresses, physical
8 descriptions, or dates of birth, violates the constitution of the
9 United States or this state, the department shall revise the
10 compilation in subsection (2) so that it does not contain that
11 information.

12 Sec. 8a. (1) If an individual fails to register or to update
13 his or her registration information as required under this act,
14 the local law enforcement agency, sheriff's office, or department
15 post responsible for registering the individual or for verifying
16 and updating his or her registration information shall do all of
17 the following immediately after the date the individual was
18 required to register or to update his or her registration
19 information:

20 (a) Determine whether the individual has absconded or is
21 otherwise unlocatable.

22 (b) If the registering authority was notified by a
23 registration jurisdiction that the individual was to appear in
24 order to register or update his or her registration information
25 in the jurisdiction of the registering authority, notify the
26 department in a manner prescribed by the department that the
27 individual failed to appear as required.

1 (c) Revise the information in the registry to reflect that
2 the individual has absconded or is otherwise unlocatable.

3 (d) Seek a warrant for the individual's arrest if the legal
4 requirements for obtaining a warrant are satisfied.

5 (e) Enter the individual into the national crime information
6 center wanted person file if the requirements for entering
7 information into that file are met.

8 (2) If an individual fails to register or to update his or
9 her registration information as required under this act, the
10 department shall do all of the following immediately after being
11 notified by the registering authority that the individual failed
12 to appear as required:

13 (a) Notify that other registration jurisdiction that the
14 individual failed to appear as required.

15 (b) Notify the United States marshal's service in the manner
16 required by the United States marshal's service of the
17 individual's failure to appear as required.

18 (c) Update the stalking offender registry to reflect the
19 individual's status as an absconder or as unlocatable.

20 Sec. 9. (1) Except as provided in subsections (2), (3), and
21 (4), an individual required to be registered under this act who
22 willfully violates this act is guilty of a felony punishable as
23 follows:

24 (a) If the individual has no prior convictions for a
25 violation of this act, other than a failure to comply with
26 section 5a, by imprisonment for not more than 4 years or a fine
27 of not more than \$2,000.00, or both.

1 (b) If the individual has 1 prior conviction for a violation
2 of this act, other than a failure to comply with section 5a, by
3 imprisonment for not more than 7 years or a fine of not more than
4 \$5,000.00, or both.

5 (c) If the individual has 2 or more prior convictions for
6 violations of this act, other than a failure to comply with
7 section 5a, by imprisonment for not more than 10 years or a fine
8 of not more than \$10,000.00, or both.

9 (2) An individual who fails to comply with section 5a, other
10 than payment of the fee required under section 5a(6) is guilty of
11 a crime punishable as follows:

12 (a) If the individual has no prior convictions for a
13 violation of this act, the individual is guilty of a misdemeanor
14 punishable by imprisonment for not more than 93 days or a fine of
15 not more than \$1,000.00, or both.

16 (b) If the individual has 1 prior conviction for a violation
17 of this act, the individual is guilty of a misdemeanor punishable
18 by imprisonment for not more than 1 year or a fine of not more
19 than \$2,000.00, or both.

20 (c) If the individual has 2 or more prior convictions for a
21 violation of this act, the individual is guilty of a felony
22 punishable by imprisonment for not more than 4 years or a fine of
23 not more than \$2,500.00, or both.

24 (3) An individual who willfully fails to sign a
25 registration, notice, or verification as provided in section 7(4)
26 is guilty of a misdemeanor punishable by imprisonment for not
27 more than 93 days or a fine of not more than \$1,000.00, or both.

1 (4) An individual who willfully refuses or fails to pay the
2 registration fee prescribed in section 5a(6) or section 7(1)
3 within 90 days of the date the individual reports under section
4 4a or 5a is guilty of a misdemeanor punishable by imprisonment
5 for not more than 90 days.

6 (5) The court shall revoke the probation of an individual
7 placed on probation who willfully violates this act.

8 (6) The court shall revoke the youthful trainee status of an
9 individual assigned to youthful trainee status who willfully
10 violates this act.

11 (7) The parole board shall rescind the parole of an
12 individual released on parole who willfully violates this act.

13 (8) An individual's failure to register as required by this
14 act or a violation of section 5 may be prosecuted in the judicial
15 district of any of the following:

16 (a) The individual's last registered address or residence.

17 (b) The individual's actual address or residence.

18 (c) Where the individual was arrested for the violation.

19 Sec. 10. (1) Except as provided in this act, a registration
20 or report is confidential and information from that registration
21 or report shall not be open to inspection except for law
22 enforcement purposes. The registration or report and all included
23 materials and information are exempt from disclosure under
24 section 13 of the freedom of information act, 1976 PA 442, MCL
25 15.243.

26 (2) A department post, local law enforcement agency, or
27 sheriff's department shall make information from the compilation

1 described in section 8(2) for the zip code areas located in whole
2 or in part within the post's, agency's, or sheriff's department's
3 jurisdiction available for public inspection during regular
4 business hours. A department post, local law enforcement agency,
5 or sheriff's department is not required to make a copy of the
6 information for a member of the public.

7 (3) The department may make information from the compilation
8 described in section 8(2) available to the public through
9 electronic, computerized, or other accessible means. The
10 department shall provide for notification by electronic or
11 computerized means to any member of the public who has subscribed
12 in a manner required by the department when an individual who is
13 the subject of the compilation described in section 8(2)
14 initially registers under this act, or changes his or her
15 registration under this act, to a location that is in a zip code
16 area designated by the subscribing member of the public.

17 (4) Except as provided in this act, an individual other than
18 the registrant who knows of a registration or report under this
19 act and who divulges, uses, or publishes nonpublic information
20 concerning the registration or report in violation of this act is
21 guilty of a misdemeanor punishable by imprisonment for not more
22 than 93 days or a fine of not more than \$1,000.00, or both.

23 (5) An individual whose registration or report is revealed
24 in violation of this act has a civil cause of action against the
25 responsible party for treble damages.

26 (6) Subsections (4) and (5) do not apply to the compilation
27 described in section 8(2) or information from that compilation

1 that is provided or made available under section 8(2) or under
2 subsection (2) or (3).