

HOUSE BILL No. 4533

April 29, 2015, Introduced by Rep. Kosowski and referred to the Committee on Judiciary.

A bill to require persons convicted of child abuse 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 "child abuse offender registration act".

3 Sec. 2. As used in this act:

4 (a) "Child abuse offense" means 1 or more of the following:

5 (i) A violation of section 136b of the Michigan penal code,
6 1931 PA 328, MCL 750.136b (child abuse).

7 (ii) A violation of 1 or more of the following committed
8 against a minor:

9 (A) Section 81 of the Michigan penal code, 1931 PA 328, MCL

1 750.81 (assault and battery).

2 (B) Section 81a of the Michigan penal code, 1931 PA 328, MCL
3 750.81a (aggravated assault and battery).

4 (C) Section 82 of the Michigan penal code, 1931 PA 328, MCL
5 750.82 (felonious assault).

6 (D) Section 83 of the Michigan penal code, 1931 PA 328, MCL
7 750.83 (assault with intent to commit murder).

8 (E) Section 84 of the Michigan penal code, 1931 PA 328, MCL
9 750.84 (assault with intent to do great bodily harm less than
10 murder).

11 (F) Section 85 of the Michigan penal code, 1931 PA 328, MCL
12 750.85 (torture).

13 (G) Section 86 of the Michigan penal code, 1931 PA 328, MCL
14 750.86 (assault with intent to maim).

15 (H) Section 91 of the Michigan penal code, 1931 PA 328, MCL
16 750.91 (attempted murder).

17 (I) Section 316 of the Michigan penal code, 1931 PA 328, MCL
18 750.316 (first degree murder).

19 (J) Section 317 of the Michigan penal code, 1931 PA 328, MCL
20 750.317 (second degree murder).

21 (K) Section 321 of the Michigan penal code, 1931 PA 328, MCL
22 750.321 (manslaughter).

23 (iii) Any other violation of a law of this state or a local
24 ordinance of a municipality that by its nature constitutes a
25 child abuse offense against an individual who is less than 18
26 years of age.

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

1 in subparagraphs (i) to (iii).

2 (v) An offense substantially similar to an offense described
3 in subparagraphs (i) to (iv) under a law of the United States, any
4 state, or any country or under tribal or military law.

5 (b) "Convicted" means 1 of the following:

6 (i) Having a judgment of conviction or a probation order
7 entered in any court having jurisdiction over criminal offenses,
8 including, but not limited to, a tribal court or a military
9 court, and including a conviction subsequently set aside under
10 1965 PA 213, MCL 780.621 to 780.624.

11 (ii) Either of the following:

12 (A) Being assigned to youthful trainee status under sections
13 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
14 175, MCL 762.11 to 762.15, before October 1, 2004.

15 (B) Being assigned to youthful trainee status under sections
16 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
17 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
18 individual's status of youthful trainee is revoked and an
19 adjudication of guilt is entered.

20 (iii) Having an order of disposition entered under section 18
21 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
22 712A.18, that is open to the general public under section 28 of
23 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
24 712A.28.

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

27 (c) "Department" means the department of state police.

(d) "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.

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

(f) "Minor" means an individual less than 18 years of age.

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

(h) "Registering authority" means the local law enforcement agency or sheriff's office having jurisdiction over the individual's residence, place of employment, or institution of higher learning, or the nearest department post designated to receive or enter child abuse offender registration information within a registration jurisdiction.

(i) "Registration jurisdiction" means each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and the Indian tribes within the United States that elect to function as a registration jurisdiction.

(j) "Residence" means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the

1 time shall be his or her official residence for the purposes of
2 this act. If a person is homeless or otherwise lacks a fixed or
3 temporary residence, residence means the village, city, or
4 township where the person spends a majority of his or her time.

5 (k) "Student" means an individual enrolled on a full- or
6 part-time basis in a public or private educational institution,
7 including, but not limited to, a secondary school, trade school,
8 professional institution, or institution of higher education.

9 (l) "Vehicle" means that term as defined in section 79 of the
10 Michigan vehicle code, 1949 PA 300, MCL 257.79.

11 (m) "Vessel" means that term as defined in section 44501 of
12 the natural resources and environmental protection act, 1994 PA
13 451, MCL 324.44501.

14 Sec. 3. (1) Subject to subsection (2), the following
15 individuals who are domiciled or temporarily reside in this state
16 or who work with or without compensation or are students in this
17 state, or who are domiciled, reside, or work with or without
18 compensation or are students in this state for 30 or more total
19 days in a calendar year are required to be registered under this
20 act:

21 (a) An individual who is convicted of a child abuse offense
22 after January 1, 2016.

23 (b) An individual convicted of a child abuse offense on or
24 before January 1, 2016 if on January 1, 2016 he or she is on
25 probation or parole, committed to jail, committed to the
26 jurisdiction of the department of corrections, or under the
27 jurisdiction of the juvenile division of the probate court or the

1 department of health and human services for that offense or is
2 placed on probation or parole, committed to jail, committed to
3 the jurisdiction of the department of corrections, placed under
4 the jurisdiction of the juvenile division of the probate court or
5 family division of circuit court, or committed to the department
6 of health and human services after January 1, 2016 for that
7 offense.

8 (c) An individual convicted of a child abuse offense on or
9 before January 1, 2016 if on January 1, 2016 he or she is on
10 probation or parole that has been transferred to this state for
11 that offense or his or her probation or parole is transferred to
12 this state after January 1, 2016 for that offense.

13 (d) An individual from another state who is required to
14 register or otherwise be identified as a child abuse offender
15 under a comparable statute of that state.

16 (e) An individual who was previously convicted of a listed
17 offense for which he or she was not required to register under
18 this act, but who is convicted of any other felony on or after
19 January 1, 2016.

20 (2) A nonresident who is convicted in this state on or after
21 July 1, 2016 of committing child abuse who is not otherwise
22 described in subsection (1) shall nevertheless register under
23 this act. However, the continued reporting requirements of this
24 act do not apply to the individual while he or she remains a
25 nonresident and is not otherwise required to report under this
26 act. The individual shall have his or her photograph taken under
27 section 5a.

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

3 (2) For an individual convicted of a child abuse offense on
4 or before January 1, 2016 who on or before January 1, 2016 is
5 sentenced for that offense, has a disposition entered for that
6 offense, or is assigned to youthful trainee status for that
7 offense, the following shall register the individual by March 1,
8 2016:

9 (a) If the individual is on probation for the child abuse
10 offense, the individual's probation officer.

11 (b) If the individual is committed to jail for the child
12 abuse offense, the sheriff or his or her designee.

13 (c) If the individual is under the jurisdiction of the
14 department of corrections for the child abuse offense, the
15 department of corrections.

16 (d) If the individual is on parole for the child abuse
17 offense, the individual's parole officer.

18 (e) If the individual is within the jurisdiction of the
19 juvenile division of the probate court or the department of
20 health and human services under an order of disposition for the
21 child abuse offense, the juvenile division of the probate court
22 or the department of health and human services.

23 (3) Except as provided in subsection (4), for an individual
24 convicted of a child abuse offense on or before January 1, 2016:

25 (a) If the individual is sentenced for that offense after
26 January 1, 2016 or assigned to youthful trainee status after
27 January 1, 2016, the probation agent shall register the

1 individual before sentencing or assignment.

2 (b) If the individual's probation or parole is transferred
3 to this state after January 1, 2016, the probation or parole
4 agent shall register the individual immediately after the
5 transfer.

6 (c) If the individual is placed within the jurisdiction of
7 the juvenile division of the probate court or family division of
8 circuit court or committed to the department of health and human
9 services under an order of disposition entered after January 1,
10 2016, the juvenile division of the probate court or family
11 division of circuit court shall register the individual before
12 the order of disposition is entered.

13 (4) Subject to section 3, an individual convicted of a child
14 abuse offense in this state after January 1, 2016 and an
15 individual who was previously convicted of a listed offense for
16 which he or she was not required to register under this act, but
17 who is convicted of any other felony on or after January 1, 2016,
18 shall register before sentencing, entry of the order of
19 disposition, or assignment to youthful trainee status for that
20 child abuse offense or that other felony. The probation officer
21 or the family division of circuit court shall give the individual
22 the registration form after the individual is convicted, explain
23 the duty to register and to pay a registration fee, to verify his
24 or her address, and to provide notice of address changes, and
25 accept the completed registration for processing under section 6.
26 The court shall not impose sentence, enter the order of
27 disposition, or assign the individual to youthful trainee status,

1 until it determines that the individual's registration was
2 forwarded to the department as required under section 6.

3 (5) All of the following shall register with the local law
4 enforcement agency, sheriff's department, or the department
5 immediately after becoming domiciled or temporarily residing,
6 working, or being a student in this state:

7 (a) Subject to section 3, an individual convicted of a child
8 abuse offense in another state or country after January 1, 2016.

9 (b) An individual required to be registered as a child abuse
10 offender in another state or country regardless of when the
11 conviction was entered.

12 (6) If a prosecution or juvenile proceeding is pending on
13 January 1, 2016, whether the defendant in a criminal case or the
14 minor in a juvenile proceeding is required to register under this
15 act shall be determined on the basis of the law in effect on
16 January 1, 2016.

17 Sec. 4a. (1) An individual required to be registered under
18 this act who is not a resident of this state shall report his or
19 her status in person to the registering authority having
20 jurisdiction over a campus of an institution of higher education
21 if either of the following occurs:

22 (a) The individual is or enrolls as a student with that
23 institution of higher education or the individual discontinues
24 that enrollment.

25 (b) As part of his or her course of studies at an
26 institution of higher education in this state, the individual is
27 present at any other location in this state, another state, a

1 territory or possession of the United States, or the individual
2 discontinues his or her studies at that location.

3 (2) An individual required to be registered under this act
4 who is a resident of this state shall report his or her status in
5 person to the registering authority having jurisdiction where his
6 or her new residence or domicile is located if any of the events
7 described under subsection (1) occur.

8 (3) The report required under subsections (1) and (2) shall
9 be made immediately after he or she enrolls or discontinues his
10 or her enrollment as a student on that campus including study in
11 this state or another state, a territory or possession of the
12 United States, or another country.

13 (4) The additional registration reports required under this
14 section shall be made in the time periods described in section
15 5a(3) for reports under that section.

16 (5) The local law enforcement agency, sheriff's department,
17 or department post to which an individual reports under this
18 section shall require the individual to pay the registration fee
19 required under section 5a or section 7(1) and to present written
20 documentation of employment status, contractual relationship,
21 volunteer status, or student status. Written documentation under
22 this subsection may include, but need not be limited to, any of
23 the following:

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

26 (b) A contract.

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

1 (6) This section does not apply to an individual whose
2 enrollment and participation at an institution of higher
3 education is solely through the mail or the Internet from a
4 remote location.

5 Sec. 5. (1) An individual required to be registered under
6 this act who is a resident of this state shall report in person
7 and notify the registering authority having jurisdiction where
8 his or her residence or domicile is located immediately after any
9 of the following occur:

10 (a) The individual changes or vacates his or her residence
11 or domicile.

12 (b) The individual changes his or her place of employment,
13 or employment is discontinued.

14 (c) The individual enrolls as a student with an institution
15 of higher education, or enrollment is discontinued.

16 (d) The individual changes his or her name.

17 (e) The individual intends to temporarily reside at any
18 place other than his or her residence for more than 7 days.

19 (f) Any change required to be reported under section 4a.

20 (2) An individual required to be registered under this act
21 who is not a resident of this state but has his or her place of
22 employment in this state shall report in person and notify the
23 registering authority having jurisdiction where his or her place
24 of employment is located or the department post of the
25 individual's place of employment immediately after the individual
26 changes his or her place of employment or employment is
27 discontinued.

1 (3) If an individual who is incarcerated in a state
2 correctional facility and is required to be registered under this
3 act is granted parole or is due to be released upon completion of
4 his or her maximum sentence, the department of corrections,
5 before releasing the individual, shall provide notice of the
6 location of the individual's proposed place of residence or
7 domicile to the department of state police.

8 (4) If an individual who is incarcerated in a county jail
9 and is required to be registered under this act is due to be
10 released from custody, the sheriff's department, before releasing
11 the individual, shall provide notice of the location of the
12 individual's proposed place of residence or domicile to the
13 department of state police.

14 (5) Immediately after either of the following occurs, the
15 department of corrections shall notify the local law enforcement
16 agency or sheriff's department having jurisdiction over the area
17 to which the individual is transferred or the department post of
18 the transferred residence or domicile of an individual required
19 to be registered under this act:

20 (a) The individual is transferred to a community residential
21 program.

22 (b) The individual is transferred into a level 1
23 correctional facility of any kind, including a correctional camp
24 or work camp.

25 (6) An individual required to be registered under this act
26 who is a resident of this state shall report in person and notify
27 the registering authority having jurisdiction where his or her

1 residence or domicile is located immediately before he or she
2 changes his or her domicile or residence to another state. The
3 individual shall indicate the new state and, if known, the new
4 address. The department shall update the registration and
5 compilation databases and promptly notify the appropriate law
6 enforcement agency and any applicable child abuse offender
7 registration authority in the new state.

8 (7) An individual required to be registered under this act
9 who is a resident of this state shall report in person and notify
10 the registering authority having jurisdiction where his or her
11 residence or domicile is located not later than 21 days before he
12 or she changes his or her domicile or residence to another
13 country or travels to another country for more than 7 days. The
14 individual shall state the new country of residence or country of
15 travel and the address of his or her new domicile or residence or
16 place of stay, if known. The department shall update the
17 registration and compilation databases and promptly notify the
18 appropriate law enforcement agency and any applicable child abuse
19 offender registration authority.

20 (8) 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 child abuse offender registration authority in the new

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

3 (9) 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 (10) A child abuse offender shall comply with this section
7 as follows:

8 (a) Except as provided in subdivisions (b) and (c), for 25
9 years.

10 (b) For a conviction of fourth degree child abuse under
11 section 136b(7) of the Michigan penal code, 1931 PA 328, MCL
12 750.136b, for 2 years.

13 (c) For a second or subsequent child abuse offense, for
14 life.

15 (11) The registration periods under this section exclude any
16 period of incarceration for committing a crime and any period of
17 civil commitment.

18 (12) For an individual who was previously convicted of a
19 child abuse offense for which he or she was not required to
20 register under this act but who is convicted of any felony on or
21 after January 1, 2016, any period of time that he or she was not
22 incarcerated for that child abuse offense or that other felony
23 and was not civilly committed counts toward satisfying the
24 registration period for that listed offense as described in this
25 section. If those periods equal or exceed the registration period
26 described in this section, the individual has satisfied his or
27 her registration period for the child abuse offense and is not

1 required to register under this act. If those periods are less
2 than the registration period described in this section for that
3 child abuse offense, the individual shall comply with this
4 section for the period of time remaining.

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

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

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

25 (a) If the individual was convicted of a child abuse offense
26 that is a misdemeanor, the individual shall report once each year
27 during the individual's month of birth.

(b) If the individual was convicted of a child abuse offense that is a felony, the individual shall report 4 times each year according to the following schedule:

<u>Birth Month</u>	<u>Reporting Months</u>
January	January, April, July, and October
February	February, May, August, and November
March	March, June, September, and December
April	April, July, October, and January
May	May, August, November, and February
June	June, September, December, and March
July	July, October, January, and April
August	August, November, February, and May
September	September, December, March, and June
October	October, January, April, and July
November	November, February, May, and August
December	December, March, June, and September

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

(5) When an individual reports under subsection (3), an officer or authorized employee of the registering authority shall

1 verify the individual's residence or domicile and any information
2 required to be reported under section 4a. The officer or
3 authorized employee shall also determine whether the individual's
4 photograph required under this act matches the appearance of the
5 individual sufficiently to properly identify him or her from that
6 photograph. If not, the officer or authorized employee shall
7 require the individual to immediately obtain a current photograph
8 under this section. When all of the verification information has
9 been provided, the officer or authorized employee shall review
10 that information with the individual and make any corrections,
11 additions, or deletions the officer or authorized employee
12 determines are necessary based on the review. The officer or
13 authorized employee shall sign and date a verification receipt.
14 The officer or authorized employee shall give a copy of the
15 signed receipt showing the date of verification to the
16 individual. The officer or authorized employee shall forward
17 verification information to the department in the manner the
18 department prescribes. The department shall revise the law
19 enforcement database and public Internet website maintained under
20 section 8 as necessary and shall indicate verification in the
21 public Internet website maintained under section 8(2).

22 (6) Except as otherwise provided in section 5b, an
23 individual who reports as prescribed under subsection (3) shall
24 pay a \$35.00 registration fee as follows:

25 (a) Upon initial registration.

26 (b) Annually following the year of initial registration. The
27 payment of the registration fee under this subdivision shall be

1 made at the time the individual reports in the first reporting
2 month for that individual as set forth in subsection (3) of each
3 year in which the fee applies, unless an individual elects to
4 prepay an annual registration fee for any future year for which
5 an annual registration fee is required. Prepaying any annual
6 registration fee shall not change or alter the requirement of an
7 individual to report as set forth in subsection (3). The
8 registration fee required to be paid under this subdivision shall
9 not be prorated on grounds that the individual will complete his
10 or her registration period after the month in which the fee is
11 due.

12 (c) The sum of the amounts required to be paid under
13 subdivisions (a) and (b) shall not exceed \$385.00.

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

26 (8) An individual registered under this act who is
27 incarcerated shall report to the secretary of state under this

1 subsection immediately after he or she is released to have his or
2 her digitalized photograph taken. The individual is not required
3 to report under this subsection if he or she had a digitized
4 photograph taken for an operator's or chauffeur's license or
5 official state personal identification card before January 1,
6 2016, or within 2 years before he or she is released unless his
7 or her appearance has changed from the date of that photograph.
8 Unless the person is a nonresident, the photograph shall be used
9 on the individual's operator's or chauffeur's license or official
10 state personal identification card. The individual shall have a
11 new photograph taken when he or she renews the license or
12 identification card as provided by law, or as otherwise provided
13 in this act. The secretary of state shall make the digitized
14 photograph available to the department for a registration under
15 this act.

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

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

22 Sec. 5b. (1) Of the money collected by a court, local law
23 enforcement agency, sheriff's department, or department post from
24 each registration fee prescribed under this act, \$25.00 shall be
25 forwarded to the department, which shall deposit the money in the
26 child abuse offenders registration fund created under subsection
27 (2), and \$10.00 shall be retained by the court, local law

1 enforcement agency, sheriff's department, or department post.

2 (2) The child abuse offenders registration fund is created
3 as a separate fund in the department of treasury. The state
4 treasurer shall credit the money received from the payment of the
5 registration fee prescribed under this act to the child abuse
6 offenders registration fund. Money credited to the fund shall
7 only be used by the department for training concerning, and the
8 maintenance and automation of, the law enforcement database,
9 public Internet website, information required under section 8, or
10 notification and offender registration duties under section 4a.
11 Money in the child abuse offenders registration fund at the close
12 of the fiscal year shall remain in the fund and shall not lapse
13 to the general fund.

14 (3) If an individual required to pay a registration fee
15 under this act is indigent, the registration fee shall be waived
16 for a period of 90 days. The burden is on the individual claiming
17 indigence to prove the fact of indigence to the satisfaction of
18 the local law enforcement agency, sheriff's department, or
19 department post where the individual is reporting.

20 (4) Payment of the registration fee prescribed under this
21 act shall be made in the form and by means prescribed by the
22 department. Upon payment of the registration fee prescribed under
23 this act, the officer or employee shall forward verification of
24 the payment to the department in the manner the department
25 prescribes. The department shall revise the law enforcement
26 database and public Internet website maintained under section 8
27 as necessary and shall indicate verification of payment in the

1 compilation under section 8(1).

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

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

9 (2) The officer, court, or agency registering an individual
10 or receiving or accepting a registration under section 4 or
11 notified of an address change under section 5(1) shall forward
12 the registration or notification to the department in a manner
13 described by the department immediately after registration or
14 notification.

15 Sec. 7. (1) Registration information obtained under this act
16 shall be forwarded to the department in the format the department
17 prescribes. Except as provided in section 5b(3), a \$35.00
18 registration fee shall accompany each original registration. All
19 of the following information shall be obtained or otherwise
20 provided for registration purposes:

21 (a) The individual's legal name and any aliases, nicknames,
22 ethnic or tribal names, or other names by which the individual is
23 or has been known. An individual who is in a witness protection
24 and relocation program is only required to use the name and
25 identifying information reflecting his or her new identity in a
26 registration under this act. The registration and compilation
27 databases shall not contain any information identifying the

1 individual's prior identity or locale.

2 (b) The individual's social security number and any social
3 security numbers or alleged social security numbers previously
4 used by the individual.

5 (c) The individual's date of birth and any alleged dates of
6 birth previously used by the individual.

7 (d) The address where the individual resides or will reside.
8 If the individual does not have a residential address,
9 information under this subsection shall identify the location or
10 area used or to be used by the individual in lieu of a residence
11 or, if the individual is homeless, the village, city, or township
12 where the person spends or will spend the majority of his or her
13 time.

14 (e) The name and address of any place of temporary lodging
15 used or to be used by the individual during any period in which
16 the individual is away, or is expected to be away, from his or
17 her residence for more than 7 days. Information under this
18 subdivision shall include the dates the lodging is used or to be
19 used.

20 (f) The name and address of each of the individual's
21 employers. For purposes of this subdivision, "employer" includes
22 a contractor and any individual who has agreed to hire or
23 contract with the individual for his or her services. Information
24 under this subsection shall include the address or location of
25 employment if different from the address of the employer. If the
26 individual lacks a fixed employment location, the information
27 obtained under this subdivision shall include the general areas

1 where the individual works and the normal travel routes taken by
2 the individual in the course of his or her employment.

3 (g) The name and address of any school being attended by the
4 individual and any school that has accepted the individual as a
5 student that he or she plans to attend. For purposes of this
6 subdivision, "school" means a public or private postsecondary
7 school or school of higher education, including a trade school.

8 (h) All telephone numbers registered to the individual or
9 routinely used by the individual.

10 (i) The individual's driver license number or state personal
11 identification card number.

12 (j) A digital copy of the individual's passport and other
13 immigration documents.

14 (k) The individual's occupational and professional licensing
15 information, including any license that authorizes the individual
16 to engage in any occupation, profession, trade, or business.

17 (l) A brief summary of the individual's convictions for
18 listed offenses regardless of when the conviction occurred,
19 including where the offense occurred and the original charge if
20 the conviction was for a lesser offense.

21 (m) A complete physical description of the individual.

22 (n) The photograph required under section 5a.

23 (o) The individual's fingerprints if not already on file
24 with the department and the individual's palm prints. An
25 individual required to be registered under this act shall have
26 his or her fingerprints or palm prints or both taken not later
27 than February 1, 2016 if his or her fingerprints or palm prints

1 are not already on file with the department. The department shall
2 forward a copy of the individual's fingerprints and palm prints
3 to the Federal Bureau of Investigation if not already on file
4 with that bureau.

5 (p) Information that is required to be reported under
6 section 4a.

7 (2) A registration shall contain all of the following:

8 (a) An electronic copy of the offender's Michigan driver
9 license or Michigan personal identification card, including the
10 photograph required under this act.

11 (b) The text of the provision of law that defines the
12 criminal offense for which the child abuse offender is
13 registered.

14 (c) Any outstanding arrest warrant information.

15 (d) The individual's tier classification.

16 (e) An identifier that indicates whether a DNA sample has
17 been collected and any resulting DNA profile has been entered
18 into the federal combined DNA index system (CODIS).

19 (f) The individual's complete criminal history record,
20 including the dates of all arrests and convictions.

21 (g) The individual's Michigan department of corrections
22 number and status of parole, probation, or supervised release.

23 (h) The individual's Federal Bureau of Investigation number.

24 (3) The form used for notification of duties under this act
25 shall contain a written statement that explains the duty of the
26 individual being registered to provide notice of changes in his
27 or her registration information, the procedures for providing

1 that notice, and the verification procedures under section 5a.

2 (4) The individual shall sign a registration and notice.

3 However, the registration and notice shall be forwarded to the
4 department regardless of whether the individual signs it or pays
5 the registration fee required under subsection (1).

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

9 (6) An individual shall not knowingly provide false or
10 misleading information concerning a registration, notice, or
11 verification.

12 (7) The department shall prescribe the form for a
13 notification required under section 5 and the format for
14 forwarding the notification to the department.

15 (8) The department shall promptly provide registration,
16 notice, and verification information to the Federal Bureau of
17 Investigation and to local law enforcement agencies, sheriff's
18 departments, department posts, and other registering
19 jurisdictions, as provided by law.

20 Sec. 8. (1) The department shall maintain a computerized law
21 enforcement database of registrations and notices required under
22 this act. The law enforcement database shall contain all of the
23 following information for each individual registered under this
24 act:

25 (a) The individual's legal name and any aliases, nicknames,
26 ethnic or tribal names, or other names by which the individual is
27 or has been known.

1 (b) The individual's social security number and any social
2 security numbers or alleged social security numbers previously
3 used by the individual.

4 (c) The individual's date of birth and any alleged dates of
5 birth previously used by the individual.

6 (d) The address where the individual resides or will reside.
7 If the individual does not have a residential address,
8 information under this subsection shall identify the location or
9 area used or to be used by the individual in lieu of a residence
10 or, if the individual is homeless, the village, city, or township
11 where the individual spends or will spend the majority of his or
12 her time.

13 (e) The name and address of any place of temporary lodging
14 used or to be used by the individual during any period in which
15 the individual is away, or is expected to be away, from his or
16 her residence for more than 7 days. Information under this
17 subdivision shall include the dates the lodging is used or to be
18 used.

19 (f) The name and address of each of the individual's
20 employers. For purposes of this subdivision, "employer" includes
21 a contractor and any individual who has agreed to hire or
22 contract with the individual for his or her services. Information
23 under this subsection shall include the address or location of
24 employment if different from the address of the employer.

25 (g) The name and address of any school being attended by the
26 individual and any school that has accepted the individual as a
27 student that he or she plans to attend. For purposes of this

1 subdivision, "school" means a public or private postsecondary
2 school or school of higher education, including a trade school.

3 (h) All telephone numbers registered to the individual or
4 routinely used by the individual.

5 (i) The individual's driver license number or state personal
6 identification card number.

7 (j) A digital copy of the individual's passport and other
8 immigration documents.

9 (k) The individual's occupational and professional licensing
10 information, including any license that authorizes the individual
11 to engage in any occupation, profession, trade, or business.

12 (l) A brief summary of the individual's convictions for
13 listed offenses regardless of when the conviction occurred,
14 including where the offense occurred and the original charge if
15 the conviction was for a lesser offense.

16 (m) A complete physical description of the individual.

17 (n) The photograph required under section 5a.

18 (o) The individual's fingerprints and palm prints.

19 (p) An electronic copy of the offender's Michigan driver
20 license or Michigan personal identification card, including the
21 photograph required under this act.

22 (q) The text of the provision of law that defines the
23 criminal offense for which the child abuser is registered.

24 (r) Any outstanding arrest warrant information.

25 (s) The individual's registration status.

26 (t) An identifier that indicates whether a DNA sample has
27 been collected and any resulting DNA profile has been entered

1 into the federal combined DNA index system (CODIS).

2 (u) The individual's complete criminal history record,
3 including the dates of all arrests and convictions.

4 (v) The individual's Michigan department of corrections
5 number and the status of his or her parole, probation, or
6 release.

7 (w) The individual's Federal Bureau of Investigation number.

8 (2) The department shall maintain a public Internet website
9 separate from the law enforcement database described in
10 subsection (1) to implement section 10(2) and (3). Except as
11 provided in subsection (4), the public Internet website shall
12 contain all of the following information for each individual
13 registered under this act:

14 (a) The individual's legal name and any aliases, nicknames,
15 ethnic or tribal names, or other names by which the individual is
16 or has been known.

17 (b) The individual's date of birth.

18 (c) The address where the individual resides. If the
19 individual does not have a residential address, information under
20 this subsection shall identify the village, city, or township
21 used by the individual in lieu of a residence.

22 (d) The address of each of the individual's employers. For
23 purposes of this subdivision, "employer" includes a contractor
24 and any individual who has agreed to hire or contract with the
25 individual for his or her services. Information under this
26 subsection shall include the address or location of employment if
27 different from the address of the employer.

1 (e) The address of any school being attended by the
2 individual and any school that has accepted the individual as a
3 student that he or she plans to attend. For purposes of this
4 subdivision, "school" means a public or private postsecondary
5 school or school of higher education, including a trade school.

6 (f) A brief summary of the individual's convictions for
7 listed offenses regardless of when the conviction occurred.

8 (g) A complete physical description of the individual.

9 (h) The photograph required under this act. If no photograph
10 is available, the department shall use an arrest photograph or
11 Michigan department of corrections photograph until a photograph
12 as prescribed in section 5a becomes available.

13 (i) The text of the provision of law that defines the
14 criminal offense for which the child abuser is registered.

15 (j) The individual's registration status.

16 (3) The following information shall not be made available on
17 the public Internet website described in subsection (2):

18 (a) The identity of any victim of the offense.

19 (b) The individual's social security number.

20 (c) Any arrests not resulting in a conviction.

21 (d) Any travel or immigration document numbers.

22 (e) Any electronic mail addresses and instant message
23 addresses assigned to the individual or routinely used by the
24 individual and any login names or other identifiers used by the
25 individual when using any electronic mail address or instant
26 messaging system.

27 (f) The individual's driver license number or state personal

1 identification card number.

2 (4) The public Internet website described in subsection (2)
3 shall not include the following individuals:

4 (a) An individual registered solely because he or she had 1
5 or more dispositions for a listed offense entered under section
6 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
7 712A.18, in a case that was not designated as a case in which the
8 individual was to be tried in the same manner as an adult under
9 section 2d of chapter XIIA of the probate code of 1939, 1939 PA
10 288, MCL 712A.2d.

11 (b) An individual registered solely because he or she was
12 the subject of an order of disposition or other adjudication in a
13 juvenile matter in another state or country.

14 (5) The compilation of individuals shall be indexed
15 alphabetically by village, city, township, and county,
16 numerically by zip code area, and geographically as determined
17 appropriate by the department.

18 (6) The department shall update the public Internet website
19 with new registrations, deletions from registrations, and address
20 changes at the same time those changes are made to the law
21 enforcement database described in subsection (1). The department
22 shall make the law enforcement database available to each
23 department post, local law enforcement agency, and sheriff's
24 department by the law enforcement information network. Upon
25 request by a department post, local law enforcement agency, or
26 sheriff's department, the department shall provide to that post,
27 agency, or sheriff's department the information from the law

1 enforcement database in printed form for the designated areas
2 located in whole or in part within the post's, agency's, or
3 sheriff's department's jurisdiction. The department shall provide
4 the ability to conduct a computerized search of the law
5 enforcement database and the public Internet website based upon
6 the name and campus location of an institution of higher
7 education.

8 (7) The department shall make the law enforcement database
9 available to a department post, local law enforcement agency, or
10 sheriff's department by electronic, computerized, or other
11 similar means accessible to the post, agency, or sheriff's
12 department. The department shall make the public Internet website
13 available to the public by electronic, computerized, or other
14 similar means accessible to the public. The electronic,
15 computerized, or other similar means shall provide for a search
16 by name, village, city, township, and county designation, zip
17 code, and geographical area.

18 (8) If a court determines that the public availability under
19 section 10 of any information concerning individuals registered
20 under this act violates the constitution of the United States or
21 this state, the department shall revise the public Internet
22 website described in subsection (2) so that it does not contain
23 that information.

24 (9) If the department determines that an individual has
25 completed his or her registration period or that he or she
26 otherwise is no longer required to register under this act, the
27 department shall remove the individual's registration information

1 from both the law enforcement database and the public Internet
2 website within 7 days after making that determination.

3 (10) If the individual provides the department with
4 documentation showing that he or she is required to register
5 under this act for a violation that has been set aside under 1965
6 PA 213, MCL 780.621 to 780.624, or that has been otherwise
7 expunged, the department shall note on the public Internet
8 website that the violation has been set aside or expunged.

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

17 (a) Determine whether the individual has absconded or is
18 otherwise unlocatable.

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

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

27 (d) Seek a warrant for the individual's arrest if the legal

1 requirements for obtaining a warrant are satisfied.

2 (e) Enter the individual into the national crime information
3 center wanted person file if the requirements for entering
4 information into that file are met.

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

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

12 (b) Notify the United States Marshals Service in the manner
13 required by the United States Marshals Service of the
14 individual's failure to appear as required.

15 Sec. 9. (1) An individual required to be registered under
16 this act who willfully violates this act is guilty of a
17 misdemeanor punishable by imprisonment for not more than 90 days
18 or a fine of not more than \$1,000.00, or both.

19 (2) The court shall revoke the probation of an individual
20 placed on probation who willfully violates this act.

21 (3) The court shall revoke the youthful trainee status of an
22 individual assigned to youthful trainee status who willfully
23 violates this act.

24 (4) The parole board shall rescind the parole of an
25 individual released on parole who willfully violates this act.

26 (5) An individual's failure to register as required by this
27 act or a violation of section 5(1), (3), or (4) may be prosecuted

1 in the judicial district of any of the following:

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

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

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

5 Sec. 10. (1) Except as provided in this act, a registration
6 or report is confidential and information from that registration
7 or report shall not be open to inspection except for law
8 enforcement purposes. The registration or report and all included
9 materials and information are exempt from disclosure under
10 section 13 of the freedom of information act, 1976 PA 442, MCL
11 15.243.

12 (2) A department post, local law enforcement agency, or
13 sheriff's department shall make information from the public
14 Internet website described in section 8(2) for the designated
15 areas located in whole or in part within the post's, agency's, or
16 sheriff's department's jurisdiction available for public
17 inspection during regular business hours. A department post,
18 local law enforcement agency, or sheriff's department is not
19 required to make a copy of the information for a member of the
20 public.

21 (3) The department may make information from the public
22 Internet website described in section 8(2) available to the
23 public through electronic, computerized, or other accessible
24 means. The department shall provide for notification by
25 electronic or computerized means to any member of the public who
26 has subscribed in a manner required by the department when an
27 individual who is the subject of the public Internet website

1 described in section 8(2) initially registers under this act, or
2 changes his or her registration under this act, to a location
3 that is in a designated area or geographic radius designated by
4 the subscribing member of the public.

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

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

14 (6) Subsections (4) and (5) do not apply to the public
15 Internet website described in section 8(2) or information from
16 that public Internet website that is provided or made available
17 under section 8(2) or under subsection (2) or (3).

18 Enacting section 1. This act takes effect 90 days after the
19 date it is enacted into law.