

SENATE BILL No. 581

October 27, 2015, Introduced by Senators JONES, MARLEAU and HORN and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 5, 5a, 5b, 7, 8, 33, and 34 (MCL 28.725,
28.725a, 28.725b, 28.727, 28.728, 28.733, and 28.734), sections 5
and 5b as amended by 2011 PA 17, section 5a as amended by 2013 PA
149, section 7 as amended by 2011 PA 18, section 8 as amended by
2013 PA 2, section 33 as added by 2005 PA 127, and section 34 as
amended by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 (a) The individual changes or vacates his or her residence
2 or domicile.

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

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

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

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

10 ~~—— (f) The individual establishes any electronic mail or~~
11 ~~instant message address, or any other designations used in~~
12 ~~internet communications or postings.~~

13 ~~—— (g) The individual purchases or begins to regularly operate~~
14 ~~any vehicle, and when ownership or operation of the vehicle is~~
15 ~~discontinued.~~

16 (F) ~~(h)~~ Any change required to be reported under section 4a.

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

25 (3) If an individual who is incarcerated in a state
26 correctional facility and is required to be registered under this
27 act is granted parole or is due to be released upon completion of

1 his or her maximum sentence, the department of corrections,
2 before releasing the individual, shall provide notice of the
3 location of the individual's proposed place of residence or
4 domicile to the department of state police.

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

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

17 (a) The individual is transferred to a community residential
18 program.

19 (b) The individual is transferred into a level 1
20 correctional facility of any kind, including a correctional camp
21 or work camp.

22 (6) An individual required to be registered under this act
23 who is a resident of this state shall report in person and notify
24 the registering authority having jurisdiction where his or her
25 residence or domicile is located immediately before he or she
26 changes his or her domicile or residence to another state. The
27 individual shall indicate the new state and, if known, the new

1 address. The department shall update the registration and
2 compilation databases and promptly notify the appropriate law
3 enforcement agency and any applicable sex or child offender
4 registration authority in the new state.

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

17 (8) If the probation or parole of an individual required to
18 be registered under this act is transferred to another state or
19 an individual required to be registered under this act is
20 transferred from a state correctional facility to any
21 correctional facility or probation or parole in another state,
22 the department of corrections shall promptly notify the
23 department and the appropriate law enforcement agency and any
24 applicable sex or child offender registration authority in the
25 new state. The department shall update the registration and
26 compilation databases.

27 (9) An individual registered under this act shall comply

1 with the verification procedures and proof of residence
2 procedures prescribed in sections 4a and 5a.

3 (10) Except as otherwise provided in this section and
4 section 8c, a tier I offender shall comply with this section for
5 15 years.

6 (11) Except as otherwise provided in this section and
7 section 8c, a tier II offender shall comply with this section for
8 25 years.

9 (12) Except as otherwise provided in this section and
10 section 8c, a tier III offender shall comply with this section
11 for life.

12 (13) The registration periods under this section exclude any
13 period of incarceration for committing a crime and any period of
14 civil commitment.

15 (14) For an individual who was previously convicted of a
16 listed offense for which he or she was not required to register
17 under this act but who is convicted of any felony on or after
18 July 1, 2011, any period of time that he or she was not
19 incarcerated for that listed offense or that other felony and was
20 not civilly committed counts toward satisfying the registration
21 period for that listed offense as described in this section. If
22 those periods equal or exceed the registration period described
23 in this section, the individual has satisfied his or her
24 registration period for the listed offense and is not required to
25 register under this act. If those periods are less than the
26 registration period described in this section for that listed
27 offense, the individual shall comply with this section for the

1 period of time remaining.

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 (a) If the individual is a tier I offender, the individual
23 shall report once each year during the individual's month of
24 birth.

25 (b) If the individual is a tier II offender, the individual
26 shall report twice each year according to the following schedule:

1 Birth Month	Reporting Months
2 January	January and July
3 February	February and August
4 March	March and September
5 April	April and October
6 May	May and November
7 June	June and December
8 July	January and July
9 August	February and August
10 September	March and September
11 October	April and October
12 November	May and November
13 December	June and December

14 (c) If the individual is a tier III offender, the individual
15 shall report 4 times each year according to the following
16 schedule:

17 Birth Month	Reporting Months
18 January	January, April, July, and October
19 February	February, May, August, and November
20 March	March, June, September, and December
21 April	April, July, October, and January
22 May	May, August, November, and February
23 June	June, September, December, and March
24 July	July, October, January, and April
25 August	August, November, February, and May
26 September	September, December, March, and June
27 October	October, January, April, and July
28 November	November, February, May, and August
29 December	December, March, June, and September

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

10 (5) When an individual reports under subsection (3), an
11 officer or authorized employee of the registering authority shall
12 verify the individual's residence or domicile and any information
13 required to be reported under section ~~4a~~—7. The officer or
14 authorized employee shall also determine whether the individual's
15 photograph required under this act matches the appearance of the
16 individual sufficiently to properly identify him or her from that
17 photograph. If not, the officer or authorized employee shall
18 require the individual to immediately obtain a current photograph
19 under this section. When all of the verification information has
20 been provided, the officer or authorized employee shall review
21 that information with the individual and make any corrections,
22 additions, or deletions the officer or authorized employee
23 determines are necessary based on the review. The officer or
24 authorized employee shall sign and date a verification receipt.
25 The officer or authorized employee shall give a copy of the
26 signed receipt showing the date of verification to the

1 individual. The officer or authorized employee shall forward
2 verification information to the department in the manner the
3 department prescribes. The department shall revise the law
4 enforcement database and public ~~internet~~**INTERNET** website
5 maintained under section 8 as necessary and shall indicate
6 verification in the public ~~internet~~**INTERNET** website maintained
7 under section 8(2).

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

11 (a) Upon initial registration.

12 (b) Annually following the year of initial registration. The
13 payment of the registration fee under this subdivision shall be
14 made at the time the individual reports in the first reporting
15 month for that individual as set forth in subsection (3) of each
16 year in which the fee applies, unless an individual elects to
17 prepay an annual registration fee for any future year for which
18 an annual registration fee is required. Prepaying any annual
19 registration fee shall not change or alter the requirement of an
20 individual to report as set forth in subsection (3). The payment
21 of the registration fee under this subdivision is not required to
22 be made for any registration year that has expired before January
23 1, 2014 or to be made by any individual initially required to
24 register under this act after January 1, 2019. The registration
25 fee required to be paid under this subdivision shall not be
26 prorated on grounds that the individual will complete his or her
27 registration period after the month in which the fee is due.

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

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

15 (8) An individual registered under this act who is
16 incarcerated shall report to the secretary of state under this
17 subsection immediately after he or she is released to have his or
18 her digitalized photograph taken. The individual is not required
19 to report under this subsection if he or she had a digitized
20 photograph taken for an operator's or chauffeur's license or
21 official state personal identification card before January 1,
22 2000, or within 2 years before he or she is released unless his
23 or her appearance has changed from the date of that photograph.
24 Unless the person is a nonresident, the photograph shall be used
25 on the individual's operator's or chauffeur's license or official
26 state personal identification card. The individual shall have a
27 new photograph taken when he or she renews the license or

1 identification card as provided by law, or as otherwise provided
2 in this act. The secretary of state shall make the digitized
3 photograph available to the department for a registration under
4 this act.

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

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

11 Sec. 5b. (1) Of the money collected by a court, local law
12 enforcement agency, sheriff's department, or department post from
13 each registration fee prescribed under this act, \$30.00 shall be
14 forwarded to the department, which shall deposit the money in the
15 sex offenders registration fund created under subsection (2), and
16 \$20.00 shall be retained by the court, local law enforcement
17 agency, sheriff's department, or department post.

18 (2) The sex offenders registration fund is created as a
19 separate fund in the department of treasury. The state treasurer
20 shall credit the money received from the payment of the
21 registration fee prescribed under this act to the sex offenders
22 registration fund. Money credited to the fund shall only be used
23 by the department for training concerning, and the maintenance
24 and automation of, the law enforcement database, public ~~internet~~
25 **INTERNET** website, information required under section 8, or
26 notification and offender registration duties under section 4a.
27 Money in the sex offenders registration fund at the close of the

1 fiscal year shall remain in the fund and shall not lapse to the
2 general fund.

3 (3) If an individual required to pay a registration fee
4 under this act is indigent, the registration fee shall be waived
5 ~~for a period of 90 days.~~ **AS FOLLOWS:**

6 (A) **FOR THE INITIAL REGISTRATION FEE REQUIRED UNDER SECTION**
7 **5A(6) (A), THE FEE SHALL BE WAIVED UNTIL THE FIRST REPORTING MONTH**
8 **IN WHICH THE INDIVIDUAL IS NO LONGER INDIGENT.**

9 (B) **FOR ANY YEAR IN WHICH AN ANNUAL REGISTRATION FEE IS**
10 **REQUIRED UNDER SECTION 5A(6) (B), THE FEE SHALL BE PERMANENTLY**
11 **WAIVED.**

12 (4) The burden is on the individual claiming indigence to
13 prove the fact of indigence to the satisfaction of the local law
14 enforcement agency, sheriff's department, or department post
15 where the individual is reporting.

16 (5) ~~(4)~~ Payment of the registration fee prescribed under
17 this act shall be made in the form and by means prescribed by the
18 department. Upon payment of the registration fee prescribed under
19 this act, the officer or employee shall forward verification of
20 the payment to the department in the manner the department
21 prescribes. The department shall revise the law enforcement
22 database and public ~~internet~~ **INTERNET** website maintained under
23 section 8 as necessary and shall indicate verification of payment
24 in the law enforcement database under section 8(1).

25 Sec. 7. (1) Registration information obtained under this act
26 shall be forwarded to the department in the format the department
27 prescribes. Except as provided in section 5b(3), a \$50.00

1 registration fee shall accompany each original registration. All
2 of the following information shall be obtained or otherwise
3 provided for registration purposes:

4 (a) The individual's legal name and any aliases, nicknames,
5 ethnic or tribal names, or other names by which the individual is
6 or has been known. An individual who is in a witness protection
7 and relocation program is only required to use the name and
8 identifying information reflecting his or her new identity in a
9 registration under this act. The registration and compilation
10 databases shall not contain any information identifying the
11 individual's prior identity or locale.

12 (b) The individual's social security number and any social
13 security numbers or alleged social security numbers previously
14 used by the individual.

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

17 (d) The address where the individual resides or will reside.
18 If the individual does not have a residential address,
19 information under this subsection shall identify the location or
20 area used or to be used by the individual in lieu of a residence
21 or, if the individual is homeless, the village, city, or township
22 where the person spends or will spend the majority of his or her
23 time.

24 (e) The name and address of any place of temporary lodging
25 used or to be used by the individual during any period in which
26 the individual is away, or is expected to be away, from his or
27 her residence for more than 7 days. Information under this

1 subdivision shall include the dates the lodging is used or to be
2 used.

3 (f) The name and address of each of the individual's
4 employers. For purposes of this subdivision, "employer" includes
5 a contractor and any individual who has agreed to hire or
6 contract with the individual for his or her services. Information
7 under this subsection shall include the address or location of
8 employment if different from the address of the employer. If the
9 individual lacks a fixed employment location, the information
10 obtained under this subdivision shall include the general areas
11 where the individual works and the normal travel routes taken by
12 the individual in the course of his or her employment.

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

18 (h) All telephone numbers registered to the individual. ~~or~~
19 ~~routinely used by the individual.~~

20 (i) All electronic mail addresses and instant message **NAMES**
21 **AND** addresses ~~assigned~~ **REGISTERED** to the individual. ~~or routinely~~
22 ~~used by the individual~~

23 **(J) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE NAMES**
24 **AND ADDRESSES ROUTINELY USED BY THE INDIVIDUAL** and all login
25 names or other identifiers used by the individual when using any
26 electronic mail address or instant messaging system. **AS USED IN**
27 **THIS SUBDIVISION, "ROUTINELY USED" MEANS USED NOT LESS OFTEN THAN**

1 6 TIMES PER CALENDAR YEAR.

2 (K) ~~(j)~~—The license plate number, registration number, and
 3 description of any motor vehicle, aircraft, or vessel owned ~~or~~
 4 ~~regularly operated by the individual~~ **OR REGISTERED TO THE ADDRESS**
 5 **WHERE THE INDIVIDUAL RESIDES** and the location at which the motor
 6 vehicle, aircraft, or vessel is habitually stored or kept.

7 (I) ~~(k)~~—The individual's driver license number or state
 8 personal identification card number.

9 (M) ~~(l)~~—A digital copy of the individual's passport and other
 10 immigration documents.

11 (N) ~~(m)~~—The individual's occupational and professional
 12 licensing information, including any license that authorizes the
 13 individual to engage in any occupation, profession, trade, or
 14 business.

15 (O) ~~(n)~~—A brief summary of the individual's convictions for
 16 listed offenses regardless of when the conviction occurred,
 17 including where the offense occurred and the original charge if
 18 the conviction was for a lesser offense.

19 (P) ~~(o)~~—A complete physical description of the individual.

20 (Q) ~~(p)~~—The photograph required under section 5a.

21 (R) ~~(q)~~—The individual's fingerprints if not already on file
 22 with the department and the individual's palm prints. An
 23 individual required to be registered under this act shall have
 24 his or her fingerprints or palm prints or both taken not later
 25 than September 12, 2011 if his or her fingerprints or palm prints
 26 are not already on file with the department. The department shall
 27 forward a copy of the individual's fingerprints and palm prints

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

3 (S) ~~(r)~~—Information that is required to be reported under
4 section 4a.

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

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

9 (b) The text of the provision of law that defines the
10 criminal offense for which the sex offender is registered.

11 (c) Any outstanding arrest warrant information.

12 (d) The individual's tier classification.

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

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

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

20 (h) The individual's federal bureau of investigation number.

21 (3) The form used for notification of duties under this act
22 shall contain a written statement that explains the duty of the
23 individual being registered to provide notice of changes in his
24 or her registration information, the procedures for providing
25 that notice, and the verification procedures under section 5a.

26 (4) The individual shall sign a registration and notice.
27 However, the registration and notice shall be forwarded to the

1 department regardless of whether the individual signs it or pays
2 the registration fee required under subsection (1).

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

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

9 (7) The department shall prescribe the form for a
10 notification required under section 5 and the format for
11 forwarding the notification to the department.

12 (8) The department shall promptly provide registration,
13 notice, and verification information to the ~~federal bureau of~~
14 ~~investigation~~ **FEDERAL BUREAU OF INVESTIGATION** and to local law
15 enforcement agencies, sheriff's departments, department posts,
16 and other registering jurisdictions, as provided by law.

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

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

25 (b) The individual's social security number and any social
26 security numbers or alleged social security numbers previously
27 used by the individual.

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

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

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

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

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

27 (h) All telephone numbers registered to the individual. ~~or~~

~~1 routinely used by the individual.~~

2 (i) All electronic mail addresses and instant message
3 addresses assigned to the individual ~~or routinely used by the~~
4 ~~individual~~ and all login names or other identifiers used by the
5 individual when using any electronic mail address or instant
6 messaging system.

7 (j) The license plate number or registration number and
8 description of any motor vehicle, aircraft, or vessel owned ~~or~~
9 ~~regularly operated by the individual~~ **OR REGISTERED TO THE ADDRESS**
10 **WHERE THE INDIVIDUAL RESIDES** and the location at which the motor
11 vehicle, aircraft, or vessel is habitually stored or kept.

12 (k) The individual's driver license number or state personal
13 identification card number.

14 (l) A digital copy of the individual's passport and other
15 immigration documents.

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

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

23 (o) A complete physical description of the individual.

24 (p) The photograph required under section 5a.

25 (q) The individual's fingerprints and palm prints.

26 (r) An electronic copy of the offender's Michigan driver
27 license or Michigan personal identification card, including the

1 photograph required under this act.

2 (s) The text of the provision of law that defines the
3 criminal offense for which the sex offender is registered.

4 (t) Any outstanding arrest warrant information.

5 (u) The individual's tier classification and registration
6 status.

7 (v) An identifier that indicates whether a DNA sample has
8 been collected and any resulting DNA profile has been entered
9 into the federal combined DNA index system (CODIS).

10 (w) The individual's complete criminal history record,
11 including the dates of all arrests and convictions.

12 (x) The individual's Michigan department of corrections
13 number and the status of his or her parole, probation, or
14 release.

15 (y) The individual's federal bureau of investigation number.

16 (2) The department shall maintain a public ~~internet~~**INTERNET**
17 website separate from the law enforcement database described in
18 subsection (1) to implement section 10(2) and (3). Except as
19 provided in subsection (4), the public ~~internet~~**INTERNET** website
20 shall contain all of the following information for each
21 individual registered under this act:

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

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

26 (c) The address where the individual resides. If the
27 individual does not have a residential address, information under

1 this subsection shall identify the village, city, or township
2 used by the individual in lieu of a residence.

3 (d) The address of each of the individual's employers. For
4 purposes of this subdivision, "employer" includes a contractor
5 and any individual who has agreed to hire or contract with the
6 individual for his or her services. Information under this
7 subsection shall include the address or location of employment if
8 different from the address of the employer.

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

14 (f) The license plate number or registration number and
15 description of any motor vehicle, aircraft, or vessel owned ~~or~~
16 ~~regularly operated by~~ the individual.

17 (g) A brief summary of the individual's convictions for
18 listed offenses regardless of when the conviction occurred.

19 (h) A complete physical description of the individual.

20 (i) The photograph required under this act. If no photograph
21 is available, the department shall use an arrest photograph or
22 Michigan department of corrections photograph until a photograph
23 as prescribed in section 5a becomes available.

24 (j) The text of the provision of law that defines the
25 criminal offense for which the sex offender is registered.

26 (k) The individual's registration status.

27 (l) The individual's tier classification.

1 (3) The following information shall not be made available on
2 the public ~~internet~~**INTERNET** website described in subsection (2):

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

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

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

6 (d) Any travel or immigration document numbers.

7 (e) Any electronic mail addresses and instant message
8 addresses assigned to the individual ~~or routinely used by the~~
9 ~~individual~~ and any login names or other identifiers used by the
10 individual when using any electronic mail address or instant
11 messaging system.

12 (f) The individual's driver license number or state personal
13 identification card number.

14 (4) The public ~~internet~~**INTERNET** website described in
15 subsection (2) shall not include the following individuals:

16 (a) An individual registered solely because he or she had 1
17 or more dispositions for a listed offense entered under section
18 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
19 712A.18, in a case that was not designated as a case in which the
20 individual was to be tried in the same manner as an adult under
21 section 2d of chapter XIIA of the probate code of 1939, 1939 PA
22 288, MCL 712A.2d.

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

26 (c) An individual registered solely because he or she was
27 convicted of a single tier I offense, other than an individual

1 who was convicted of a violation of any of the following:

2 (i) Section 145c(4) of the Michigan penal code, 1931 PA 328,
3 MCL 750.145c.

4 (ii) A violation of section 335a(2)(b) of the Michigan penal
5 code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

6 (iii) Section 349b of the Michigan penal code, 1931 PA 328,
7 MCL 750.349b, if the victim is a minor.

8 (iv) Section 539j of the Michigan penal code, 1931 PA 328,
9 MCL 750.539j, if a victim is a minor.

10 (v) An offense substantially similar to an offense described
11 in subparagraphs (i) to (v) under a law of the United States that
12 is specifically enumerated in 42 USC 16911, under a law of any
13 state or any country, or under tribal or military law.

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~~**INTERNET**
19 website with new registrations, deletions from registrations, and
20 address changes at the same time those changes are made to the
21 law enforcement database described in subsection (1). The
22 department shall make the law enforcement database available to
23 each 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~~**INTERNET** website
6 based upon the name and campus location of an institution of
7 higher 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~~
13 **INTERNET** website available to the public by electronic,
14 computerized, or other similar means accessible to the public.
15 The electronic, computerized, or other similar means shall
16 provide for a search by name, village, city, township, and county
17 designation, zip 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 **INTERNET** website described in subsection (2) so that it does not
23 contain that information.

24 (9) If the department determines that an individual has
25 completed his or her registration period, including a
26 registration period reduced by law under 2011 PA 18, or that he
27 or she otherwise is no longer required to register under this

1 act, the department shall remove the individual's registration
2 information from both the law enforcement database and the public
3 ~~internet~~**INTERNET** website within 7 days after making that
4 determination.

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

12 Sec. 33. As used in this article:

13 (a) "Listed offense" means that term as defined in section 2
14 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

15 (b) "Loiter" means to remain for a period of time, ~~and under~~
16 ~~circumstances that a reasonable person would determine is for the~~
17 ~~primary purpose of observing or contacting minors.~~**WHETHER OR NOT**
18 **IN A VEHICLE, WITH THE INTENT TO ENGAGE OR SOLICIT ANOTHER PERSON**
19 **TO ENGAGE IN AN ACT PROHIBITED BY A LISTED OFFENSE INVOLVING A**
20 **MINOR FOR WHICH REGISTRATION UNDER THIS ACT IS REQUIRED.**

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

22 (d) "School" means a public, private, denominational, or
23 parochial school offering developmental kindergarten,
24 kindergarten, or any grade from 1 through 12. School does not
25 include a home school.

26 (e) "School property" means a ~~building, facility, structure,~~
27 ~~or real property owned, leased, or otherwise controlled by a~~

~~school, other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis, to which either of the following applies:~~

~~—— (i) It is used to impart educational instruction.~~

~~—— (ii) It is for use by students not more than 19 years of age for sports or other recreational activities.~~

A BUILDING, PLAYING FIELD, OR OTHER PROPERTY THAT IS USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHILDREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL, DESIGNATED BY THE SCHOOL OR SCHOOL DISTRICT AS BEING SCHOOL PROPERTY, AND CLEARLY MARKED AND IDENTIFIED AS BEING SCHOOL PROPERTY.

(f) "Student safety zone" means **SCHOOL PROPERTY AND** the area that lies 1,000 feet or less from **THE PROPERTY LINE OF** school property.

Sec. 34. (1) Except as provided in this section and section 36, an individual ~~required to be registered under article II~~ **CONVICTED OF A LISTED OFFENSE** shall not do ~~1 or more~~ **EITHER** of the following:

(a) Work **OR RESIDE** within a student safety zone.

(b) Loiter ~~within a student safety zone.~~ **ON SCHOOL PROPERTY OR WITHIN 300 FEET OR LESS OF THE PROPERTY LINE OF SCHOOL PROPERTY.**

(2) An individual who violates this section is guilty of a crime as follows:

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

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

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

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

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

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

21 **(4) THE FOLLOWING INDIVIDUALS ARE PRESUMED NOT TO BE IN**
22 **VIOLATION OF SUBSECTION (1)(B), UNLESS THE PRESUMPTION IS**
23 **REBUTTED BY CLEAR AND CONVINCING EVIDENCE:**

24 **(A) A PARENT OR GUARDIAN WHO IS ON SCHOOL PROPERTY WHILE**
25 **TRANSPORTING HIS OR HER CHILD TO OR FROM THE CHILD'S SCHOOL OR TO**
26 **OR FROM AN EVENT SANCTIONED BY THE CHILD'S SCHOOL.**

27 **(B) A PARENT OR GUARDIAN WHO IS ON SCHOOL PROPERTY ATTENDING**

1 AN EVENT SANCTIONED BY HIS OR HER CHILD'S SCHOOL.

2 (C) A PARENT OR GUARDIAN WHO IS ON SCHOOL PROPERTY FOR THE
3 PURPOSE OF MEETING WITH AN EMPLOYEE OF THE SCHOOL REGARDING HIS
4 OR HER CHILD ENROLLED AT THAT SCHOOL.

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

9 (6) ~~(5)~~—Nothing in this section shall be construed to
10 prohibit an individual from exercising his or her right to vote.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.