



Senate Fiscal Agency
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Senate Bills 289 (Substitute S-2 as reported)
Senate Bills 290 and 291 (as reported without amendment)
Sponsor: Senator Curtis Hertel, Jr. (S.B. 289)
Senator Peter J. Lucido (S.B. 290)
Senator John Bizon, M.D. (S.B. 291)
Committee: Judiciary and Public Safety

CONTENT

Senate Bill 289 (S-2) would create the "Child Abuse Offenders Registry Act" (also named "Wyatt's Law") to do the following:

- Require the Michigan Department of State Police (MSP) to maintain a computerized database of individuals convicted of child abuse offenses in the State under the Child Abuse Offenders Registration Act (proposed by Senate Bill 290).
- Specify the information to be included in the database, including the individual's name, the municipality in which he or she resided, and his or her date of birth.
- Require the MSP to maintain a public website and specify the information to be included on the website.
- Require the MSP to update the public website with new information at the time changes were made to the law enforcement database.
- Require the MSP to make the law enforcement database available to a Department post, local law enforcement agency, or sheriff's department, and make the public website available to the public, by electronic, computerized, or other similar means.
- Require the MSP to make information from the public website available to the public through electronic, computerized, or other accessible means.
- Provide that a person other than the individual included on the database and who knew of a registration or report and who divulged or used nonpublic information concerning the registration or report would be guilty of a misdemeanor.

Senate Bill 290 would create the "Child Abuse Offenders Registration Act" to do the following:

- Require individuals to register under the Act if they were convicted of a child abuse offense after January 1, 2020; or were required to register as a child abuse offender under another state's comparable statute.
- Specify the entity responsible for registering a person.
- Require a nonresident required to be registered to report his or her status in person to the appropriate registering authority if he or she were registered or present at an institution of higher education in the State.
- Require a resident required to be registered to report to the appropriate registering authority certain changes in circumstances, including a change in residence, place of employment, or name.
- Require a registrant to comply with the Act's reporting requirements for 10 years, or, for a person convicted of fourth-degree child abuse, five years.
- Require the MSP to mail a notice to each registrant not in a State correctional facility explaining his or her duties under the Act.

- Specify that a person required to be registered who was not incarcerated would have to report in person to the appropriate registering authority for verification quarterly, if convicted of a felony child abuse offense, or annually, if convicted of a misdemeanor child abuse offense.
- Create the "Child Abuse Offenders Registration Fund".
- Require a person who reported as prescribed to pay a \$50 registration fee upon initial registration, and then annually.
- Specify that a person required to be registered would have to maintain either a valid driver license or an official State personal identification card with his or her current address.
- Specify the information to be included in a registration.
- Prescribe penalties for violations of the proposed Act.

Senate Bill 291 would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 290 to the sentencing guidelines.

Senate Bills 290 and 291 are tie-barred to Senate Bill 290.

MCL 777.11b (S.B. 291)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 289 (S-2) would have a significant fiscal impact on the Michigan Department of State Police and would require local law enforcement agencies to engage in additional duties to enforce the bill's provisions. According to the MSP, the proposed child abuse offenders registry, in its design and procedural elements, mirrors closely the existing Sex Offenders Registry (SOR), run by the Department. The MSP's Criminal Justice Information Center projects a budget of \$2.5 million or more to operate the proposed database, which would feature, as the SOR does, both a law enforcement database and a publicly accessible website database.

Senate Bill 290 would help mitigate the registry costs, providing for \$35 out of a required \$50 registration fee from those convicted of a child abuse offense and required to register, to be sent to the MSP for deposit in the proposed Child Abuse Offenders Registration Fund, with \$15 being retained by a court, local law enforcement agency, sheriff's department, or MSP post. The MSP projects that first-year revenue, based upon 10,000 potential registrants, would be approximately \$500,000, leaving \$350,000 to be sent to the Fund, an amount far short of what would be needed to cover the estimated costs of building or buying a separate information technology system to properly operate the registry and staff it with MSP personnel. To fully fund the provisions of the legislation, additional funds from another source or sources, such as General Fund/General Purpose revenue, would have to be identified.

Senate Bill 290 also would have a minimal fiscal impact on the Department of Treasury to administer the Child Abuse Offenders Registration Fund. The administrative costs likely would be minimal and within current appropriations for the Department.

In addition, the criminal penalties in Senate Bills 289 and 290 could have a negative fiscal impact on the State and local government. Violations of the proposed Acts would be punishable as misdemeanors and felonies of different severity. The probation or parole of any individuals who violated the Registration Act also would have to be revoked. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,100 per probationer per year. For any increase in prison intakes, in the short term, the marginal

cost to State government would be approximately \$5,400 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 291 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

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