

SENATE BILL NO. 290

April 30, 2019, Introduced by Senators LUCIDO, BIZON, HERTEL, ANANICH, BRINKS, BULLOCK, GEISS, RUNESTAD, ALEXANDER, BAYER, WOJNO, MCMORROW, POLEHANKI and HOLLIER and referred to the Committee on Judiciary and Public Safety.

A bill to require persons convicted of certain child abuse offenses to register with the child abuse offenders registry; to prescribe the powers and duties of certain departments and agencies in connection with that registration; to prescribe fees and penalties; and to authorize certain causes of action.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "child
2 abuse offenders registration act".

3 Sec. 2. As used in this act:

1 (a) "Child abuse offense" means any violation of section 136b
2 of the Michigan penal code, 1931 PA 328, MCL 750.136b (child
3 abuse), or a substantially similar offense under a law of the
4 United States, any state, or any country or under tribal or
5 military law, that is committed by an adult or by a minor who is
6 tried in the same manner as an adult under section 2d of chapter
7 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

8 (b) "Convicted" means any of the following:

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

14 (ii) Either of the following:

15 (A) 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.

18 (B) Being assigned to youthful trainee status under sections
19 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
20 175, MCL 762.11 to 762.15, if the individual's status of youthful
21 trainee is revoked and an adjudication of guilt is entered.

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

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

27 (d) "Institution of higher education" means 1 or more of the
28 following:

29 (i) A public or private community college, college, or

1 university.

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

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

6 (f) "Minor" means a person who is under 18 years of age.

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

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

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

20 (j) "Residence", for registration and voting purposes, means
21 the place where a person habitually sleeps, keeps his or her
22 personal effects, and has a regular place of lodging. If a person
23 has more than 1 residence, or if a person has a residence separate
24 from that of his or her spouse, the place where the person resides
25 the greater part of the time is his or her official residence for
26 the purposes of this act. If a person is homeless or otherwise
27 lacks a fixed or temporary residence, residence means the village,
28 city, or township where the person spends a majority of his or her
29 time. This section must not be construed to affect existing

1 judicial interpretation of the term residence.

2 (k) "Student" means a person enrolled on a full- or part-time
3 basis in a public or private educational institution, including,
4 but not limited to, a secondary school, trade school, professional
5 institution, or institution of higher education.

6 Sec. 3. (1) Subject to subsection (2), the following persons
7 who are domiciled or temporarily reside in this state or who work
8 with or without compensation or are students in this state, or who
9 are domiciled, reside, or work with or without compensation or are
10 students in this state for 30 or more total days in a calendar year
11 are required to be registered under this act:

12 (a) A person who is convicted of a child abuse offense after
13 January 1, 2020.

14 (b) A person from another state who is required to register or
15 otherwise be identified as a child abuse offender under a
16 comparable statute of that state.

17 (2) A person who is a nonresident and who is convicted in this
18 state on or after January 1, 2020 of committing a child abuse
19 offense who is not otherwise described in subsection (1) must
20 nevertheless register under this act. However, the continued
21 reporting requirements of this act do not apply to the person while
22 he or she remains a nonresident and is not otherwise required to
23 report under this act. However, the person shall have his or her
24 photograph taken under section 7.

25 Sec. 4. (1) All of the following shall register with the local
26 law enforcement agency, sheriff's department, or the department
27 immediately after becoming domiciled or temporarily residing,
28 working, or being a student in this state:

29 (a) Subject to section 3, a person convicted of a child abuse

1 offense in another state or country after January 1, 2020.

2 (b) A person required to be registered as a child abuse
3 offender in another state or country regardless of when the
4 conviction was entered.

5 (2) If a prosecution is pending on January 1, 2020, whether
6 the defendant in a criminal case is required to register under this
7 act must be determined on the basis of the law in effect on January
8 1, 2020.

9 Sec. 5. (1) A person required to be registered under this act
10 and who is not a resident of this state shall report his or her
11 status in person to the registering authority having jurisdiction
12 over a campus of an institution of higher education if either of
13 the following occurs:

14 (a) A person is or enrolls as a student with that institution
15 of higher education or the person discontinues that enrollment.

16 (b) As part of his or her course of studies at an institution
17 of higher education in this state, the person is present at any
18 other location in this state, another state, a territory or
19 possession of the United States, or the person discontinues his or
20 her studies at that location.

21 (2) A person required to be registered under this act who is a
22 resident of this state shall report his or her status in person to
23 the registering authority having jurisdiction where his or her new
24 residence or domicile is located if any of the events described
25 under subsection (1) occur.

26 (3) The report required under subsections (1) and (2) must be
27 made immediately after he or she enrolls or discontinues his or her
28 enrollment as a student on that campus including study in this
29 state or another state, a territory or possession of the United

1 States, or another country.

2 (4) The additional registration reports required under this
3 section must be made in the time periods described in section 7 for
4 reports under that section.

5 (5) The local law enforcement agency, sheriff's department, or
6 department post to which a person reports under this section shall
7 require the person to pay the registration fee required under
8 section 7(6) or section 11(1) and to present written documentation
9 of employment status, contractual relationship, volunteer status,
10 or student status. Written documentation under this subsection may
11 include, but need not be limited to, any of the following:

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

13 (b) A contract.

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

15 (6) This section does not apply to a person whose enrollment
16 and participation at an institution of higher education is solely
17 through the mail or the internet from a remote location.

18 Sec. 6. (1) A person required to be registered under this act
19 and who is a resident of this state shall report in person and
20 notify the registering authority having jurisdiction where his or
21 her residence or domicile is located immediately after any of the
22 following occur:

23 (a) The person changes or vacates his or her residence or
24 domicile.

25 (b) The person changes his or her place of employment, or
26 employment is discontinued.

27 (c) The person enrolls as a student with an institution of
28 higher education, or enrollment is discontinued.

29 (d) The person changes his or her name.

1 (e) The person intends to temporarily reside at any place
2 other than his or her residence for more than 7 days.

3 (f) The person establishes any electronic mail or instant
4 message address, or any other designations used in internet
5 communications or postings.

6 (g) Any change required to be reported under section 5.

7 (2) A person required to be registered under this act who is
8 not a resident of this state but has his or her place of employment
9 in this state shall report in person and notify the registering
10 authority having jurisdiction where his or her place of employment
11 is located or the department post of the person's place of
12 employment immediately after the person changes his or her place of
13 employment or employment is discontinued.

14 (3) If a person who is incarcerated in a state correctional
15 facility and is required to be registered under this act is granted
16 parole or is due to be released upon completion of his or her
17 maximum sentence, the department of corrections, before releasing
18 the person, shall provide notice of the location of the person's
19 proposed place of residence or domicile to the department of state
20 police.

21 (4) If a person who is incarcerated in a county jail and is
22 required to be registered under this act is due to be released from
23 custody, the sheriff's department, before releasing the person,
24 shall provide notice of the location of the person's proposed place
25 of residence or domicile to the department of state police.

26 (5) Immediately after either of the following occurs, the
27 department of corrections shall notify the local law enforcement
28 agency or sheriff's department having jurisdiction over the area to
29 which the person is transferred or the department post of the

1 transferred residence or domicile of a person required to be
2 registered under this act:

3 (a) The person is transferred to a community residential
4 program.

5 (b) The person is transferred into a level 1 correctional
6 facility of any kind, including a correctional camp or work camp.

7 (6) A person required to be registered under this act who is a
8 resident of this state shall report in person and notify the
9 registering authority having jurisdiction where his or her
10 residence or domicile is located immediately before he or she
11 changes his or her domicile or residence to another state. The
12 person shall indicate the new state and, if known, the new address.

13 The department shall update the registration and compilation
14 databases and promptly notify the appropriate law enforcement
15 agency and any applicable registration authority in the new state.

16 (7) A person required to be registered under this act who is a
17 resident of this state shall report in person and notify the
18 registering authority having jurisdiction where his or her
19 residence or domicile is located not later than 21 days before he
20 or she changes his or her domicile or residence to another country
21 or travels to another country for more than 7 days. The person
22 shall state the new country of residence or country of travel and
23 the address of his or her new domicile or residence or place of
24 stay, if known. The department shall update the registration and
25 compilation databases created and maintained under the child abuse
26 offenders registry and promptly notify the appropriate law
27 enforcement agency and any applicable child abuse offender
28 registration authority.

29 (8) If the probation or parole of a person required to be

1 registered under this act is transferred to another state or a
2 person required to be registered under this act is transferred from
3 a state correctional facility to any correctional facility or
4 probation or parole in another state, the department of corrections
5 shall promptly notify the department and the appropriate law
6 enforcement agency and any applicable registration authority in the
7 new state. The department shall update the registration and
8 compilation databases.

9 (9) A person registered under this act shall comply with the
10 verification procedures and proof of residence procedures
11 prescribed in sections 5 and 7.

12 (10) A person required to register under this act shall comply
13 with this section for 10 years, except that a person convicted of
14 fourth-degree child abuse shall comply with this section for 5
15 years.

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

19 Sec. 7. (1) The department shall mail a notice to each person
20 registered under this act who is not in a state correctional
21 facility explaining the person's duties under this act.

22 (2) Upon the release of a person registered under this act who
23 is in a state correctional facility, the department of corrections
24 shall provide written notice to that person explaining his or her
25 duties under this section and the procedure for registration,
26 notification, and verification and payment of the registration fee
27 prescribed under subsection (6) or section 11(1). The person shall
28 sign and date the notice. The department of corrections shall
29 maintain a copy of the signed and dated notice in the person's

1 file. The department of corrections shall forward the original
 2 notice to the department immediately, regardless of whether the
 3 person signs it.

4 (3) Subject to subsection (4), a person required to be
 5 registered under this act who is not incarcerated shall report in
 6 person to the registering authority where the person is domiciled
 7 or resides for verification of domicile or residence as follows:

8 (a) If the person was convicted of a child abuse offense that
 9 is a misdemeanor, the person shall report once each year during the
 10 person's month of birth.

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

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

27 (4) A report under subsection (3) must be made no earlier than
 28 the first day or later than the last day of the month in which the
 29 person is required to report. However, if the registration period

1 for that person expires during the month in which he or she is
2 required to report under this section, the person shall report
3 during that month on or before the date his or her registration
4 period expires. When a person reports under subsection (3), the
5 person shall review all registration information for accuracy.

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

29 (6) Except as otherwise provided in section 8, a person who

1 reports as prescribed under subsection (3) shall pay a \$50.00
2 registration fee as follows:

3 (a) Upon initial registration.

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

16 (c) The sum of the amounts required to be paid under
17 subdivisions (a) and (b) must not exceed \$385.00.

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

29 (8) A person registered under this act who is incarcerated

1 shall report to the secretary of state under this subsection
2 immediately after he or she is released to have his or her
3 digitalized photograph taken. The person is not required to report
4 under this subsection if the person had a digitized photograph
5 taken for an operator's or chauffeur's license or official state
6 personal identification card before January 1, 2020, or within 2
7 years before he or she is released unless his or her appearance has
8 changed from the date of that photograph. Unless the person is a
9 nonresident, the photograph must be used on the person's operator's
10 or chauffeur's license or official state personal identification
11 card. The person shall have a new photograph taken when the person
12 renews the license or identification card as provided by law, or as
13 otherwise provided in this act. The secretary of state shall make
14 the digitized photograph available to the department for a
15 registration under this act.

16 (9) If a person does not report under this section or under
17 section 5, the department shall notify all registering authorities
18 as provided in the child abuse offenders registry act and initiate
19 enforcement action as set forth in that act.

20 (10) The department shall prescribe the form for the notices
21 and verification procedures required under this section or under
22 the child abuse offenders registry act.

23 Sec. 8. (1) Of the money collected by a court, local law
24 enforcement agency, sheriff's department, or department post from
25 each registration fee prescribed under this act, \$35.00 must be
26 forwarded to the department, which shall deposit the money in the
27 child abuse offenders registration fund created under subsection
28 (2), and \$15.00 must be retained by the court, local law
29 enforcement agency, sheriff's department, or department post.

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

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

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

28 Sec. 9. The department of corrections shall not collect any
29 fee prescribed under this act.

1 Sec. 10. (1) The officer, court, or agency registering a
2 person or receiving or accepting a registration under section 4 or
3 receiving notice under section 6 shall provide the person with a
4 copy of the registration or notification at the time of
5 registration or notice.

6 (2) The officer, court, or agency registering a person or
7 receiving or accepting a registration under section 4 or notified
8 of an address change under section 6(1) shall forward the
9 registration or notification to the department in a manner
10 described by the department immediately after registration or
11 notification.

12 Sec. 11. (1) Registration information obtained under this act
13 must be forwarded to the department in the format the department
14 prescribes. Except as provided in section 8(3), a \$50.00
15 registration fee must accompany each original registration. All of
16 the following information must be obtained or otherwise provided
17 for registration purposes:

18 (a) The person's legal name and any aliases, nicknames, ethnic
19 or tribal names, or other names by which the person is or has been
20 known. A person who is in a witness protection and relocation
21 program is only required to use the name and identifying
22 information reflecting his or her new identity in a registration
23 under this act. The registration and compilation databases created
24 and maintained under the child abuse offenders registry act must
25 not contain any information identifying the person's prior identity
26 or locale.

27 (b) The person's Social Security number and any Social
28 Security numbers or alleged Social Security numbers previously used
29 by the person.

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

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

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

14 (f) The name and address of each of the person's employers.
15 For purposes of this subdivision, "employer" includes a contractor
16 and any person who has agreed to hire or contract with the person
17 for his or her services. Information under this subdivision must
18 include the address or location of employment if different from the
19 address of the employer. If the person lacks a fixed employment
20 location, the information obtained under this subdivision must
21 include the general areas where the person works.

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

27 (h) All telephone numbers registered to the person or
28 routinely used by the person.

29 (i) The person's driver license number or state personal

1 identification card number.

2 (j) A digital copy of the person's passport and other
3 immigration documents.

4 (k) The person's occupational and professional licensing
5 information, including any license that authorizes the person to
6 engage in any occupation, profession, trade, or business.

7 (l) A brief summary of the person's convictions for child abuse
8 offenses regardless of when the conviction occurred, including
9 where the offense occurred and the original charge if the
10 conviction was for a lesser offense.

11 (m) A complete physical description of the person.

12 (n) The photograph required under section 7.

13 (o) The person's fingerprints if not already on file with the
14 department and the person's palm prints. A person required to be
15 registered under this act shall have his or her fingerprints or
16 palm prints or both taken not later than September 1, 2020 if his
17 or her fingerprints or palm prints are not already on file with the
18 department. The department shall forward a copy of the person's
19 fingerprints and palm prints to the Federal Bureau of Investigation
20 if not already on file with that bureau.

21 (p) Information that is required to be reported under section
22 5.

23 (2) A registration must contain all of the following:

24 (a) An electronic copy of the person's Michigan driver license
25 or Michigan personal identification card, including the photograph
26 required under this act.

27 (b) The text of the provision of law that defines the child
28 abuse offense for which the person is registered.

29 (c) Any outstanding arrest warrant information.

1 (d) An identifier that indicates whether a DNA sample has been
2 collected and any resulting DNA profile has been entered into the
3 federal Combined DNA Index System (CODIS).

4 (e) The person's complete criminal history record, including
5 the dates of all arrests and convictions.

6 (f) The person's Michigan department of corrections number and
7 status of parole, probation, or supervised release.

8 (g) The person's Federal Bureau of Investigation number.

9 (3) The form used for notification of duties under this act
10 must contain a written statement that explains the duty of the
11 person being registered to provide notice of changes in his or her
12 registration information, the procedures for providing that notice,
13 and the verification procedures under section 7.

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

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

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

23 (7) The department shall prescribe the form for a notification
24 required under section 6 and the format for forwarding the
25 notification to the department.

26 (8) The department shall promptly provide registration,
27 notice, and verification information to the Federal Bureau of
28 Investigation and to local law enforcement agencies, sheriff's
29 departments, department posts, and other registering jurisdictions,

1 as provided by law.

2 Sec. 12. (1) Except as provided in subsections (2), (3), and
3 (4), a person required to be registered under this act who
4 willfully violates this act is guilty of a felony punishable as
5 follows:

6 (a) If the person has no prior convictions for a violation of
7 this act, by imprisonment for not more than 4 years or a fine of
8 not more than \$2,000.00, or both.

9 (b) If the person has 1 prior conviction for a violation of
10 this act, by imprisonment for not more than 7 years or a fine of
11 not more than \$5,000.00, or both.

12 (c) If the person has 2 or more prior convictions for
13 violations of this act, by imprisonment for not more than 10 years
14 or a fine of not more than \$10,000.00, or both.

15 (2) A person who fails to comply with section 7, other than
16 payment of the fee required under section 7(6), is guilty of a
17 misdemeanor punishable by imprisonment for not more than 2 years or
18 a fine of not more than \$2,000.00, or both.

19 (3) A person who willfully fails to sign a registration and
20 notice as provided in section 11(4) is guilty of a misdemeanor
21 punishable by imprisonment for not more than 93 days or a fine of
22 not more than \$1,000.00, or both.

23 (4) A person who willfully refuses or fails to pay the
24 registration fee prescribed in section 7(6) or section 11(1) within
25 90 days of the date the person reports under section 5 or 7 is
26 guilty of a misdemeanor punishable by imprisonment for not more
27 than 90 days.

28 (5) The court shall revoke the probation of a person placed on
29 probation who willfully violates this act.

1 (6) The parole board shall rescind the parole of a person
2 released on parole who willfully violates this act.

3 (7) A person's failure to register as required by this act or
4 a violation of section 6 may be prosecuted in the judicial district
5 of any of the following:

6 (a) The person's last registered address or residence.

7 (b) The person's actual address or residence.

8 (c) Where the person was arrested for the violation.

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

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

21 (3) A person whose registration or report is revealed in
22 violation of this act has a civil cause of action against the
23 responsible party for treble damages.

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

26 Enacting section 2. This act does not take effect unless
27 Senate Bill No. 289 of the 100th Legislature is enacted into law.

28