

HOUSE BILL NO. 5679

March 17, 2020, Introduced by Rep. Lower and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 3a, 4, 4a, 5, 5a, 7, 8, 9, 33, and 34 (MCL 28.722, 28.723, 28.723a, 28.724, 28.724a, 28.725, 28.725a, 28.727, 28.728, 28.729, 28.733, and 28.734), section 2 as amended by 2014 PA 328, sections 3, 3a, 4, 4a, and 5 as amended by 2011 PA 17, section 5a as amended by 2019 PA 82, sections 7 and 9 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, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 ~~(a) "Aircraft" means that term as defined in section 2 of the~~
3 ~~aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.~~

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

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

10 ~~(ii) Either of the following:~~

11 ~~(A) Being assigned to youthful trainee status under sections~~
12 ~~11 to 15 of chapter II of the code of criminal procedure, 1927 PA~~
13 ~~175, MCL 762.11 to 762.15, before October 1, 2004. This sub-~~
14 ~~subparagraph~~ **subparagraph** does not apply if a petition was granted
15 under section 8c at any time allowing the individual to discontinue
16 registration under this act, including a reduced registration
17 period that extends to or past July 1, 2011, regardless of the tier
18 designation that would apply on and after that date.

19 ~~(B) Being assigned to youthful trainee status under sections~~
20 ~~11 to 15 of chapter II of the code of criminal procedure, 1927 PA~~
21 ~~175, MCL 762.11 to 762.15, before October 1, 2004 if the individual~~
22 ~~is convicted of any other felony on or after July 1, 2011.~~

23 (iii) Having an order of disposition entered under section 18 of
24 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
25 that is open to the general public under section 28 of chapter XIIA
26 of the probate code of 1939, 1939 PA 288, MCL 712A.28, if both of
27 the following apply:



1 (A) The individual was 14 years of age or older at the time of
2 the offense.

3 (B) The order of disposition is for the commission of an
4 offense that would classify the individual as a tier III offender.

5 (iv) Having an order of disposition or other adjudication in a
6 juvenile matter in another state or country if both of the
7 following apply:

8 (A) The individual is 14 years of age or older at the time of
9 the offense.

10 (B) The order of disposition or other adjudication is for the
11 commission of an offense that would classify the individual as a
12 tier III offender.

13 (b) ~~(e)~~ "Custodial authority" means 1 or more of the following
14 apply:

15 (i) The actor was a member of the same household as the victim.

16 (ii) The actor was related to the victim by blood or affinity
17 to the fourth degree.

18 (iii) The actor was in a position of authority over the victim
19 and used this authority to coerce the victim to submit.

20 (iv) The actor was a teacher, substitute teacher, or
21 administrator of the public school, nonpublic school, school
22 district, or intermediate school district in which that other
23 person was enrolled.

24 (v) The actor was an employee or a contractual service
25 provider of the public school, nonpublic school, school district,
26 or intermediate school district in which that other person was
27 enrolled, or was a volunteer who was not a student in any public
28 school or nonpublic school, or was an employee of this state or of
29 a local unit of government of this state or of the United States



1 assigned to provide any service to that public school, nonpublic
2 school, school district, or intermediate school district, and the
3 actor used his or her employee, contractual, or volunteer status to
4 gain access to, or to establish a relationship with, that other
5 person.

6 (vi) That other person was under the jurisdiction of the
7 department of corrections and the actor was an employee or a
8 contractual employee of, or a volunteer with, the department of
9 corrections who knew that the other person was under the
10 jurisdiction of the department of corrections and used his or her
11 position of authority over the victim to gain access to or to
12 coerce or otherwise encourage the victim to engage in sexual
13 contact.

14 (vii) That other person was under the jurisdiction of the
15 department of corrections and the actor was an employee or a
16 contractual employee of, or a volunteer with, a private vendor that
17 operated a youth correctional facility under section 20g of the
18 corrections code of 1953, 1953 PA 232, MCL 791.220g, who knew that
19 the other person was under the jurisdiction of the department of
20 corrections.

21 (viii) That other person was a prisoner or probationer under the
22 jurisdiction of a county for purposes of imprisonment or a work
23 program or other probationary program and the actor was an employee
24 or a contractual employee of, or a volunteer with, the county or
25 the department of corrections who knew that the other person was
26 under the county's jurisdiction and used his or her position of
27 authority over the victim to gain access to or to coerce or
28 otherwise encourage the victim to engage in sexual contact.

29 (ix) The actor knew or had reason to know that a court had



1 detained the victim in a facility while the victim was awaiting a
 2 trial or hearing, or committed the victim to a facility as a result
 3 of the victim having been found responsible for committing an act
 4 that would be a crime if committed by an adult, and the actor was
 5 an employee or contractual employee of, or a volunteer with, the
 6 facility in which the victim was detained or to which the victim
 7 was committed.

8 (c) ~~(d)~~—"Department" means the department of state police.

9 (d) ~~(e)~~—"Employee" means an individual who is self-employed or
 10 works for any other entity as a full-time or part-time employee,
 11 contractual provider, or volunteer, regardless of whether he or she
 12 is financially compensated.

13 (e) ~~(f)~~—"Felony" means that term as defined in section 1 of
 14 chapter I of the code of criminal procedure, 1927 PA 174, MCL
 15 761.1.

16 ~~(g) "Immediately" means within 3 business days.~~

17 (f) ~~(h)~~—"Indigent" means an individual to whom 1 or more of
 18 the following apply:

19 (i) He or she has been found by a court to be indigent within
 20 the last 6 months.

21 (ii) He or she qualifies for and receives assistance from the
 22 department of **health and** human services food assistance program.

23 (iii) He or she demonstrates an annual income below the current
 24 federal poverty guidelines.

25 (g) ~~(i)~~—"Institution of higher education" means 1 or more of
 26 the following:

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

29 (ii) A public or private trade, vocational, or occupational



1 school.

2 (h) "Listed offender" means an individual convicted of an
3 offense for which he or she was required to register under this act
4 before July 1, 2011.

5 (i) ~~(j)~~—"Listed offense" means a tier I, tier II, or tier III
6 offense.

7 (j) ~~(k)~~—"Local law enforcement agency" means the police
8 department of a municipality.

9 (k) ~~(l)~~—"Minor" means a victim of a listed offense who was less
10 than 18 years of age at the time the offense was committed.

11 (l) ~~(m)~~—"Municipality" means a city, village, or township of
12 this state.

13 (m) ~~(n)~~—"Registering authority" means the local law
14 enforcement agency or sheriff's office having jurisdiction over the
15 individual's residence, place of employment, or institution of
16 higher learning, or the nearest department post designated to
17 receive or enter sex offender registration information within a
18 registration jurisdiction.

19 (n) ~~(o)~~—"Registration jurisdiction" means each of the 50
20 states, the District of Columbia, the Commonwealth of Puerto Rico,
21 Guam, the Northern Mariana Islands, the United States Virgin
22 Islands, American Samoa, and the Indian tribes within the United
23 States that elect to function as a registration jurisdiction.

24 (o) ~~(p)~~—"Residence", as used in this act, for registration and
25 voting purposes means that place at which a person habitually
26 sleeps, keeps his or her personal effects, and has a regular place
27 of lodging. If a person has more than 1 residence, or if a wife has
28 a residence separate from that of the husband, that place at which
29 the person resides the greater part of the time shall be his or her



1 official residence for the purposes of this act. If a person is
2 homeless or otherwise lacks a fixed or temporary residence,
3 residence means the village, city, or township where the person
4 spends a majority of his or her time. This section shall not be
5 construed to affect existing judicial interpretation of the term
6 residence for purposes other than the purposes of this act.

7 **(p)** ~~(q)~~—"Student" means an individual enrolled on a full- or
8 part-time basis in a public or private educational institution,
9 including, but not limited to, a secondary school, trade school,
10 professional institution, or institution of higher education.

11 **(q)** ~~(r)~~—"Tier I offender" means an individual convicted of a
12 tier I offense who is not a tier II or tier III offender.

13 **(r)** ~~(s)~~—"Tier I offense" means 1 or more of the following:

14 (i) A violation of section 145c(4) of the Michigan penal code,
15 1931 PA 328, MCL 750.145c.

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

18 (iii) A violation of section 349b of the Michigan penal code,
19 1931 PA 328, MCL 750.349b, if the victim is a minor.

20 (iv) A violation of section 449a(2) of the Michigan penal code,
21 1931 PA 328, MCL 750.449a.

22 (v) A violation of section 520e or 520g(2) of the Michigan
23 penal code, 1931 PA 328, MCL 750.520e and 750.520g, if the victim
24 is 18 years or older.

25 (vi) A violation of section 539j of the Michigan penal code,
26 1931 PA 328, MCL 750.539j, if a victim is a minor.

27 (vii) Any other violation of a law of this state or a local
28 ordinance of a municipality, other than a tier II or tier III
29 offense, that by its nature constitutes a sexual offense against an



1 individual who is a minor.

2 (viii) An offense committed by a person who was, at the time of
3 the offense, a sexually delinquent person as defined in section 10a
4 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

5 (ix) An attempt or conspiracy to commit an offense described in
6 subparagraphs (i) to (viii).

7 (x) An offense substantially similar to an offense described
8 in subparagraphs (i) to (ix) under a law of the United States that is
9 specifically enumerated in 42 USC 16911, under a law of any state
10 or any country, or under tribal or military law.

11 (s) ~~(t)~~—"Tier II offender" means either of the following:

12 (i) A tier I offender who is subsequently convicted of another
13 offense that is a tier I offense.

14 (ii) An individual convicted of a tier II offense who is not a
15 tier III offender.

16 (t) ~~(u)~~—"Tier II offense" means 1 or more of the following:

17 (i) A violation of section 145a of the Michigan penal code,
18 1931 PA 328, MCL 750.145a.

19 (ii) A violation of section 145b of the Michigan penal code,
20 1931 PA 328, MCL 750.145b.

21 (iii) A violation of section 145c(2) or (3) of the Michigan
22 penal code, 1931 PA 328, MCL 750.145c.

23 (iv) A violation of section 145d(1)(a) of the Michigan penal
24 code, 1931 PA 328, MCL 750.145d, except for a violation arising out
25 of a violation of section 157c of the Michigan penal code, 1931 PA
26 328, MCL 750.157c.

27 (v) A violation of section 158 of the Michigan penal code,
28 1931 PA 328, MCL 750.158, committed against a minor unless either



1 of the following applies:

2 (A) All of the following:

3 (I) The victim consented to the conduct constituting the
4 violation.

5 (II) The victim was at least 13 years of age but less than 16
6 years of age at the time of the violation.

7 (III) The individual is not more than 4 years older than the
8 victim.

9 (B) All of the following:

10 (I) The victim consented to the conduct constituting the
11 violation.

12 (II) The victim was 16 or 17 years of age at the time of the
13 violation.

14 (III) The victim was not under the custodial authority of the
15 individual at the time of the violation.

16 (vi) A violation of section 338, 338a, or 338b of the Michigan
17 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
18 committed against an individual 13 years of age or older but less
19 than 18 years of age. This subparagraph does not apply if the court
20 determines that either of the following applies:

21 (A) All of the following:

22 (I) The victim consented to the conduct constituting the
23 violation.

24 (II) The victim was at least 13 years of age but less than 16
25 years of age at the time of the violation.

26 (III) The individual is not more than 4 years older than the
27 victim.

28 (B) All of the following:

29 (I) The victim consented to the conduct constituting the



1 violation.

2 (II) The victim was 16 or 17 years of age at the time of the
3 violation.

4 (III) The victim was not under the custodial authority of the
5 individual at the time of the violation.

6 (vii) A violation of section 462e(a) of the Michigan penal
7 code, 1931 PA 328, MCL 750.462e.

8 (viii) A violation of section 448 of the Michigan penal code,
9 1931 PA 328, MCL 750.448, if the victim is a minor.

10 (ix) A violation of section 455 of the Michigan penal code,
11 1931 PA 328, MCL 750.455.

12 (x) A violation of section 520c, 520e, or 520g(2) of the
13 Michigan penal code, 1931 PA 328, MCL 750.520c, 750.520e, and
14 750.520g, committed against an individual 13 years of age or older
15 but less than 18 years of age.

16 (xi) A violation of section 520c committed against an
17 individual 18 years of age or older.

18 (xii) An attempt or conspiracy to commit an offense described in
19 subparagraphs (i) to (xi).

20 (xiii) An offense substantially similar to an offense described
21 in subparagraphs (i) to (xii) under a law of the United States that is
22 specifically enumerated in 42 USC 16911, under a law of any state
23 or any country, or under tribal or military law.

24 (u) ~~(v)~~—"Tier III offender" means either of the following:

25 (i) A tier II offender subsequently convicted of a tier I or II
26 offense.

27 (ii) An individual convicted of a tier III offense.

28 (v) ~~(w)~~—"Tier III offense" means 1 or more of the following:



1 (i) A violation of section 338, 338a, or 338b of the Michigan
2 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
3 committed against an individual less than 13 years of age.

4 (ii) A violation of section 349 of the Michigan penal code,
5 1931 PA 328, MCL 750.349, committed against a minor.

6 (iii) A violation of section 350 of the Michigan penal code,
7 1931 PA 328, MCL 750.350.

8 (iv) A violation of section 520b, 520d, or 520g(1) of the
9 Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520d, and
10 750.520g. This subparagraph does not apply if the court determines
11 that the victim consented to the conduct constituting the
12 violation, that the victim was at least 13 years of age but less
13 than 16 years of age at the time of the offense, and that the
14 individual is not more than 4 years older than the victim.

15 (v) A violation of section 520c or 520g(2) of the Michigan
16 penal code, 1931 PA 328, MCL 750.520c and 750.520g, committed
17 against an individual less than 13 years of age.

18 (vi) A violation of section 520e of the Michigan penal code,
19 1931 PA 328, MCL 750.520e, committed by an individual 17 years of
20 age or older against an individual less than 13 years of age.

21 (vii) An attempt or conspiracy to commit an offense described
22 in subparagraphs (i) to (vi).

23 (viii) An offense substantially similar to an offense described
24 in subparagraphs (i) to (vii) under a law of the United States that
25 is specifically enumerated in 42 USC 16911, under a law of any
26 state or any country, or under tribal or military law.

27 (w) ~~(x)~~—"Vehicle" means that term as defined in section 79 of
28 the Michigan vehicle code, 1949 PA 300, MCL 257.79.



1 ~~(y) "Vessel" means that term as defined in section 44501 of~~
 2 ~~the natural resources and environmental protection act, 1994 PA~~
 3 ~~451, MCL 324.44501.~~

4 **Sec. 2a. (1) The offense tier classification system**
 5 **established under this act by 2011 PA 17 does not apply to a listed**
 6 **offender upon the effective date of the amendatory act that added**
 7 **this section.**

8 **(2) Not more than 60 days after the effective date of the**
 9 **amendatory act that added this section, the department shall remove**
 10 **the tier classification of a listed offender under this act from**
 11 **the listed offender's registration information under section 7 and**
 12 **from the law enforcement database and public website maintained**
 13 **under section 8.**

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 are required to be registered under this act:**

18 **(a) An individual who is convicted of a listed offense after**
 19 **October 1, 1995.**

20 **(b) An individual convicted of a listed offense on or before**
 21 **October 1, 1995 if on October 1, 1995 he or she is on probation or**
 22 **parole, committed to jail, committed to the jurisdiction of the**
 23 **department of corrections, or under the jurisdiction of the**
 24 **juvenile division of the probate court or the department of **health****
 25 ****and** human services for that offense or is placed on probation or**
 26 **parole, committed to jail, committed to the jurisdiction of the**
 27 **department of corrections, placed under the jurisdiction of the**
 28 **juvenile division of the probate court or family division of**
 29 **circuit court, or committed to the department of **health and** human**



1 services after October 1, 1995 for that offense.

2 (c) An individual convicted on or before October 1, 1995 of an
3 offense described in section 2(d) (vi) as added by 1994 PA 295 if on
4 October 1, 1995 he or she is on probation or parole that has been
5 transferred to this state for that offense or his or her probation
6 or parole is transferred to this state after October 1, 1995 for
7 that offense.

8 (d) An individual from another state who is required to
9 register or otherwise be identified as a sex or child offender or
10 predator under a comparable statute of that state.

11 ~~(e) An individual who was previously convicted of a listed~~
12 ~~offense for which he or she was not required to register under this~~
13 ~~act, but who is convicted of any other felony on or after July 1,~~
14 ~~2011.~~

15 (2) An individual convicted of an offense added on September
16 1, 1999 to the definition of listed offense is not required to be
17 registered solely because of that listed offense unless 1 of the
18 following applies:

19 (a) The individual is convicted of that listed offense on or
20 after September 1, 1999.

21 (b) On September 1, 1999, the individual is on probation or
22 parole, committed to jail, committed to the jurisdiction of the
23 department of corrections, under the jurisdiction of the family
24 division of circuit court, or committed to the department of **health**
25 **and** human services for that offense or the individual is placed on
26 probation or parole, committed to jail, committed to the
27 jurisdiction of the department of corrections, placed under the
28 jurisdiction of the family division of circuit court, or committed
29 to the department of **health and** human services on or after



1 September 1, 1999 for that offense.

2 (c) On September 1, 1999, the individual is on probation or
3 parole for that offense which has been transferred to this state or
4 the individual's probation or parole for that offense is
5 transferred to this state after September 1, 1999.

6 (d) On September 1, 1999, in another state or country the
7 individual is on probation or parole, committed to jail, committed
8 to the jurisdiction of the department of corrections or a similar
9 type of state agency, under the jurisdiction of a court that
10 handles matters similar to those handled by the family division of
11 circuit court in this state, or committed to an agency with the
12 same authority as the department of **health and** human services for
13 that offense.

14 (3) A nonresident who is convicted in this state on or after
15 July 1, 2011 of committing a listed offense who is not otherwise
16 described in subsection (1) shall nevertheless register under this
17 act. However, the continued reporting requirements of this act do
18 not apply to the individual while he or she remains a nonresident
19 and is not otherwise required to report under this act. The
20 individual shall have his or her photograph taken under section 5a.

21 Sec. 3a. (1) If an individual pleads guilty to or is found
22 guilty of a listed offense or is adjudicated as a juvenile as being
23 responsible for a listed offense but alleges that he or she is not
24 required to register under this act because section ~~2(u)(v) or (vi)~~
25 **2(t)(i) to (vi)** applies or section ~~2(w)(iv)~~ **2(v)(iv)** applies, and the
26 prosecuting attorney disputes that allegation, the court shall
27 conduct a hearing on the matter before sentencing or disposition to
28 determine whether the individual is required to register under this
29 act.



1 (2) The individual has the burden of proving by a
2 preponderance of the evidence in a hearing under this section that
3 his or her conduct falls within the exceptions described in
4 subsection (1) and that he or she is therefore not required to
5 register under this act.

6 (3) The rules of evidence, except for those pertaining to
7 privileges and protections set forth in section 520j of the
8 Michigan penal code, 1931 PA 328, MCL 750.520j, do not apply to a
9 hearing under this section.

10 (4) The prosecuting attorney shall give the victim notice of
11 the date, time, and place of the hearing.

12 (5) The victim of the offense has the following rights in a
13 hearing under this section:

14 (a) To submit a written statement to the court.

15 (b) To attend the hearing and to make a written or oral
16 statement to the court.

17 (c) To refuse to attend the hearing.

18 (d) To attend the hearing but refuse to testify or make a
19 statement at the hearing.

20 (6) The court's decision excusing or requiring the individual
21 to register is a final order of the court and may be appealed by
22 the prosecuting attorney or the individual as a matter of right.

23 (7) This section applies to criminal and juvenile cases
24 pending on July 1, 2011 and to criminal and juvenile cases brought
25 on and after that date.

26 Sec. 4. (1) Registration of an individual under this act ~~shall~~
27 **must** proceed as provided in this section.

28 (2) For an individual convicted of a listed offense on or
29 before October 1, 1995 who on or before October 1, 1995 is



1 sentenced for that offense, has a disposition entered for that
2 offense, or is assigned to youthful trainee status for that
3 offense, the following shall register the individual by December
4 31, 1995:

5 (a) If the individual is on probation for the listed offense,
6 the individual's probation agent.

7 (b) If the individual is committed to jail for the listed
8 offense, the sheriff or his or her designee.

9 (c) If the individual is under the jurisdiction of the
10 department of corrections for the listed offense, the department of
11 corrections.

12 (d) If the individual is on parole for the listed offense, the
13 individual's parole agent.

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

19 (3) Except as provided in subsection (4), for an individual
20 convicted of a listed offense on or before October 1, 1995:

21 (a) If the individual is sentenced for that offense after
22 October 1, 1995 or assigned to youthful trainee status after
23 October 1, 1995, the probation agent shall register the individual
24 before sentencing or assignment.

25 (b) If the individual's probation or parole is transferred to
26 this state after October 1, 1995, the probation or parole agent
27 shall register the individual ~~immediately~~ **not more than 7 days**
28 after the transfer.

29 (c) If the individual is placed within the jurisdiction of the



1 juvenile division of the probate court or family division of
 2 circuit court or committed to the ~~department of social services or~~
 3 ~~family independence agency~~ **department of health and human services**
 4 under an order of disposition entered after October 1, 1995, the
 5 juvenile division of the probate court or family division of
 6 circuit court shall register the individual before the order of
 7 disposition is entered.

8 (4) For an individual convicted on or before September 1, 1999
 9 of an offense that was added on September 1, 1999 to the definition
 10 of listed offense, the following shall register the individual:

11 (a) If the individual is on probation or parole on September
 12 1, 1999 for the listed offense, the individual's probation or
 13 parole agent not later than September 12, 1999.

14 (b) If the individual is committed to jail on September 1,
 15 1999 for the listed offense, the sheriff or his or her designee not
 16 later than September 12, 1999.

17 (c) If the individual is under the jurisdiction of the
 18 department of corrections on September 1, 1999 for the listed
 19 offense, the department of corrections not later than November 30,
 20 1999.

21 (d) If the individual is within the jurisdiction of the family
 22 division of circuit court or committed to the ~~family independence~~
 23 ~~agency~~ **department of health and human services** or county juvenile
 24 agency on September 1, 1999 under an order of disposition for the
 25 listed offense, the family division of circuit court, the ~~family~~
 26 ~~independence agency,~~ **department of health and human services,** or
 27 the county juvenile agency not later than November 30, 1999.

28 (e) If the individual is sentenced or assigned to youthful
 29 trainee status for that offense after September 1, 1999, the



1 probation agent shall register the individual before sentencing or
2 assignment.

3 (f) If the individual's probation or parole for the listed
4 offense is transferred to this state after September 1, 1999, the
5 probation or parole agent shall register the individual within 14
6 days after the transfer.

7 (g) If the individual is placed within the jurisdiction of the
8 family division of circuit court or committed to the ~~family~~
9 ~~independence agency~~ **department of health and human services** for the
10 listed offense after September 1, 1999, the family division of
11 circuit court shall register the individual before the order of
12 disposition is entered.

13 ~~(5) Subject to section 3, an individual convicted of a listed~~
14 ~~offense in this state after October 1, 1995 and an individual who~~
15 ~~was previously convicted of a listed offense for which he or she~~
16 ~~was not required to register under this act, but who is convicted~~
17 ~~of any other felony on or after July 1, 2011, shall register before~~
18 ~~sentencing, entry of the order of disposition, or assignment to~~
19 ~~youthful trainee status for that listed offense or that other~~
20 ~~felony. The probation agent or the family division of circuit court~~
21 ~~shall give the individual the registration form after the~~
22 ~~individual is convicted, explain the duty to register and accept~~
23 ~~the completed registration for processing under section 6. The~~
24 ~~court shall not impose sentence, enter the order of disposition, or~~
25 ~~assign the individual to youthful trainee status, until it~~
26 ~~determines that the individual's registration was forwarded to the~~
27 ~~department as required under section 6.~~

28 (5) ~~(6)~~ All of the following shall register with the local law
29 enforcement agency, sheriff's department, or the department



1 ~~immediately~~ **not more than 7 days** after becoming domiciled or
 2 temporarily residing, working, or being a student in this state:

3 (a) Subject to section 3(1), an individual convicted in
 4 another state or country on or after October 1, 1995 of a listed
 5 offense as defined before September 1, 1999.

6 (b) Subject to section 3(2), an individual convicted in
 7 another state or country of an offense added on September 1, 1999
 8 to the definition of listed offenses.

9 ~~(c) Subject to section 3(1), an individual convicted in
 10 another state or country of a listed offense before October 1, 1995
 11 and, subject to section 3(2), an individual convicted in another
 12 state or country of an offense added on September 1, 1999 to the
 13 definition of listed offenses, who is convicted of any other felony
 14 on or after July 1, 2011.~~

15 (c) ~~(d)~~ An individual required to be registered as a sex
 16 offender in another state or country regardless of when the
 17 conviction was entered.

18 (6) ~~(7)~~ If a prosecution or juvenile proceeding is pending on
 19 July 1, 2011, whether the defendant in a criminal case or the minor
 20 in a juvenile proceeding is required to register under this act
 21 ~~shall~~ **must** be determined on the basis of the law in effect on July
 22 1, 2011.

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

28 (a) The individual is or enrolls as a student with that
 29 institution of higher education or the individual discontinues that



1 enrollment.

2 (b) As part of his or her course of studies at an institution
3 of higher education in this state, the individual is present at any
4 other location in this state, another state, a territory or
5 possession of the United States, or the individual discontinues his
6 or her studies at that location.

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

12 (3) The report required under subsections (1) and (2) ~~shall~~
13 **must** be made as follows:

14 (a) For an individual registered under this act before October
15 1, 2002 who is required to make his or her first report under
16 subsections (1) and (2), not later than January 15, 2003.

17 (b) ~~Immediately~~ **Not more than 7 days** after he or she enrolls
18 or discontinues his or her enrollment as a student on that campus
19 including study in this state or another state, a territory or
20 possession of the United States, or another country.

21 (4) The additional registration reports required under this
22 section ~~shall~~ **must** be made in the time periods described in section
23 ~~5a(2)(a) to (c)~~ **5a** for reports under that section.

24 (5) The local law enforcement agency, sheriff's department, or
25 department post to which an individual reports under this section
26 shall require the individual to pay the registration fee required
27 under section 5a or section 7(1) and to present written
28 documentation of employment status, contractual relationship,
29 volunteer status, or student status. Written documentation under



1 this subsection may include, but need not be limited to, any of the
2 following:

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

4 (b) A contract.

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

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

9 Sec. 5. (1) ~~An~~ **Except as provided for a listed offender in**
10 **subsection (2), an** individual required to be registered under this
11 act who is a resident of this state shall report in person, **or in**
12 **another manner as prescribed by the department,** and notify the
13 registering authority having jurisdiction where his or her
14 residence or domicile is located ~~immediately~~ **not more than 7 days**
15 after any of the following occur:

16 (a) The individual changes or vacates his or her residence or
17 domicile.

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

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

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

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

25 (f) The individual establishes any electronic mail or instant
26 message address, or any other designations used in internet
27 communications or postings.

28 (g) The individual purchases or begins to regularly operate
29 any vehicle, and when ownership or operation of the vehicle is



1 discontinued. **As used in this subdivision, "regularly operate"**
 2 **means to use as a primary vehicle on 10 or more days a month.**

3 (h) Any change required to be reported under section 4a.

4 **(2) A listed offender shall notify the registering authority**
 5 **having jurisdiction where his or her new residence or domicile is**
 6 **located within 10 days after the individual changes or vacates his**
 7 **or her residence, domicile, or place of work or education,**
 8 **including any change required to be reported under section 4a.**

9 **(3) ~~(2)~~—An individual required to be registered under this**
 10 **act, other than a listed offender,** who is not a resident of this
 11 state but has his or her place of employment in this state shall
 12 report in person and notify the registering authority having
 13 jurisdiction where his or her place of employment is located or the
 14 department post of the individual's place of employment ~~immediately~~
 15 **not more than 7 days** after the individual changes his or her place
 16 of employment or employment is discontinued.

17 **(4) ~~(3)~~—If an individual who is incarcerated in a state**
 18 **correctional facility and is required to be registered under this**
 19 **act is granted parole or is due to be released upon completion of**
 20 **his or her maximum sentence, the department of corrections, before**
 21 **releasing the individual, shall provide notice of the location of**
 22 **the individual's proposed place of residence or domicile to the**
 23 **department of state police.**

24 **(5) ~~(4)~~—If an individual who is incarcerated in a county jail**
 25 **and is required to be registered under this act is due to be**
 26 **released from custody, the sheriff's department, before releasing**
 27 **the individual, shall provide notice of the location of the**
 28 **individual's proposed place of residence or domicile to the**
 29 **department of state police.**



1 **(6) ~~(5) Immediately~~ Not more than 7 days** after either of the
 2 following occurs, the department of corrections shall notify the
 3 local law enforcement agency or sheriff's department having
 4 jurisdiction over the area to which the individual is transferred
 5 or the department post of the transferred residence or domicile of
 6 an individual required to be registered under this act:

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

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

11 **(7) ~~(6) An~~ Except as provided for a listed offender under**
 12 **subsection (8), an** individual required to be registered under this
 13 act who is a resident of this state shall report in person and
 14 notify the registering authority having jurisdiction where his or
 15 her residence or domicile is located ~~immediately~~ **not more than 7**
 16 **days** before he or she changes his or her domicile or residence to
 17 another state. The individual shall indicate the new state and, if
 18 known, the new address. The department shall update the
 19 registration and compilation databases and promptly notify the
 20 appropriate law enforcement agency and any applicable sex or child
 21 offender registration authority in the new state.

22 **(8) A listed offender shall notify the department on a form**
 23 **prescribed by the department not later than 10 days before he or**
 24 **she changes his or her domicile or residence to another state. The**
 25 **individual shall indicate the new state, and, if known, the new**
 26 **address. The department shall update the registration and**
 27 **compilation databases and promptly notify the appropriate law**
 28 **enforcement agency and any applicable sex or child offender**
 29 **registration authority in the new state.**



1 (9) ~~(7)~~—An individual required to be registered under this
 2 act, **other than a listed offender**, who is a resident of this state
 3 shall report in person and notify the registering authority having
 4 jurisdiction where his or her residence or domicile is located not
 5 later than 21 days before he or she changes his or her domicile or
 6 residence to another country or travels to another country for more
 7 than 7 days. The individual shall state the new country of
 8 residence or country of travel and the address of his or her new
 9 domicile or residence or place of stay, if known. The department
 10 shall update the registration and compilation databases and
 11 promptly notify the appropriate law enforcement agency and any
 12 applicable sex or child offender registration authority.

13 (10) ~~(8)~~—If the probation or parole of an individual required
 14 to be registered under this act is transferred to another state or
 15 an individual required to be registered under this act is
 16 transferred from a state correctional facility to any correctional
 17 facility or probation or parole in another state, the department of
 18 corrections shall promptly notify the department and the
 19 appropriate law enforcement agency and any applicable sex or child
 20 offender registration authority in the new state. The department
 21 shall update the registration and compilation databases.

22 (11) ~~(9)~~—An individual registered under this act shall comply
 23 with the verification procedures and proof of residence procedures
 24 prescribed in sections 4a and 5a.

25 (12) ~~(10)~~—Except as otherwise provided in this section and
 26 section 8c, a tier I offender shall comply with this section for 15
 27 years.

28 (13) ~~(11)~~—Except as otherwise provided in this section and
 29 section 8c, a tier II offender shall comply with this section for



1 25 years.

2 (14) ~~(12)~~ Except as otherwise provided in this section and
3 section 8c, a tier III offender shall comply with this section for
4 life.

5 (15) ~~(13)~~ The registration periods under this section exclude
6 any period of incarceration for committing a crime and any period
7 of civil commitment.

8 ~~(14) For an individual who was previously convicted of a
9 listed offense for which he or she was not required to register
10 under this act but who is convicted of any felony on or after July
11 1, 2011, any period of time that he or she was not incarcerated for
12 that listed offense or that other felony and was not civilly
13 committed counts toward satisfying the registration period for that
14 listed offense as described in this section. If those periods equal
15 or exceed the registration period described in this section, the
16 individual has satisfied his or her registration period for the
17 listed offense and is not required to register under this act. If
18 those periods are less than the registration period described in
19 this section for that listed offense, the individual shall comply
20 with this section for the period of time remaining.~~

21 (16) Except as otherwise provided in subsection (17), a listed
22 offender shall comply with this section for 25 years after the date
23 of initially registering or, if the listed offender is in a state
24 correctional facility, for 10 years after release from the state
25 correctional facility, whichever is longer.

26 (17) A listed offender shall comply with this section for life
27 if the individual is convicted of any of the following or a
28 substantially similar offense under a law of the United States, any
29 state, or any country or under tribal or military law:



1 (a) A violation of section 520b of the Michigan penal code,
2 1931 PA 328, MCL 750.520b.

3 (b) A violation of section 520c(1) (a) of the Michigan penal
4 code, 1931 PA 328, MCL 750.520c.

5 (c) A violation of section 349 of the Michigan penal code,
6 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
7 age.

8 (d) A violation of section 350 of the Michigan penal code,
9 1931 PA 328, MCL 750.350.

10 (e) A violation of section 145c(2) or (3) of the Michigan
11 penal code, 1931 PA 328, MCL 750.145c.

12 (f) An attempt or conspiracy to commit an offense described in
13 subdivisions (a) to (c).

14 (g) Except as provided in this subdivision, a second or
15 subsequent listed offense after October 1, 1995 regardless of when
16 any earlier listed offense was committed. A listed offender is not
17 required to comply with this section for life if his or her first
18 or second listed offense is for a conviction on or before September
19 1, 1999 for an offense that was added on September 1, 1999 to the
20 definition of listed offense, unless he or she is convicted of a
21 subsequent listed offense after September 1, 1999.

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

26 (2) Upon the release of an individual registered under this
27 act who is in a state correctional facility, the department of
28 corrections shall provide written notice to that individual
29 explaining his or her duties under this section and this act as



1 amended and the procedure for registration, notification, and
2 verification and payment of the registration fee prescribed under
3 subsection ~~(6)~~ **(8)** or section 7(1). The individual shall sign and
4 date the notice. The department of corrections shall maintain a
5 copy of the signed and dated notice in the individual's file. The
6 department of corrections shall forward the original notice to the
7 department ~~immediately,~~ **within 7 days**, regardless of whether the
8 individual signs it.

9 (3) Subject to subsection (4) **and except as provided for**
10 **listed offenders under subsection (5)**, an individual required to be
11 registered under this act who is not incarcerated shall report in
12 person to the registering authority where he or she is domiciled or
13 resides for verification of domicile or residence as follows:

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

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

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

1 December June and December

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

4 <u>Birth Month</u>	<u>Reporting Months</u>
5 January	January, April, July, and October
6 February	February, May, August, and November
7 March	March, June, September, and December
8 April	April, July, October, and January
9 May	May, August, November, and February
10 June	June, September, December, and March
11 July	July, October, January, and April
12 August	August, November, February, and May
13 September	September, December, March, and June
14 October	October, January, April, and July
15 November	November, February, May, and August
16 December	December, March, June, and September

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

26 (5) A listed offender who is not incarcerated shall report in
27 person to the registering authority where he or she is domiciled or
28 resides for verification of domicile or residence as follows:

29 (a) If the listed offender is registered only for 1 or more

1 listed offenses that are misdemeanors, not earlier than January 1
 2 or later than January 15 of each year after the initial
 3 verification or registration. As used in this subdivision,
 4 "misdemeanor" means that term as defined in section 1 of chapter I
 5 of the code of criminal procedure, 1927 PA 175, MCL 761.1.

6 (b) If the listed offender is registered for 1 or more listed
 7 offenses that are felonies, not earlier than the first day or later
 8 than the fifteenth day of each April, July, October, and January
 9 after the initial registration and verification. As used in this
 10 subdivision, "felony" means that term as defined in section 1 of
 11 chapter I of the code of criminal procedure, 1927 PA 175, MCL
 12 761.1.

13 (6) A listed offender reporting under subsection (5) shall
 14 review all registration information for accuracy.

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



1 a verification receipt. The officer or authorized employee shall
2 give a copy of the signed receipt showing the date of verification
3 to the individual. The officer or authorized employee shall forward
4 verification information to the department in the manner the
5 department prescribes. The department shall revise the law
6 enforcement database and public internet website maintained under
7 section 8 as necessary and shall indicate verification in the
8 public internet website maintained under section 8(2).

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

12 (a) Upon initial registration.

13 (b) Annually following the year of initial registration. The
14 payment of the registration fee under this subdivision must be made
15 at the time the individual reports in the first reporting month for
16 that individual as set forth in subsection (3) **or (5)** of each year
17 in which the fee applies, unless an individual elects to prepay an
18 annual registration fee for any future year for which an annual
19 registration fee is required. Prepaying any annual registration fee
20 must not change or alter the requirement of an individual to report
21 as set forth in subsection (3) **or (5)**. The payment of the
22 registration fee under this subdivision is not required to be made
23 for any registration year that has expired before January 1, 2014
24 or to be made by any individual initially required to register
25 under this act after January 1, 2023. The registration fee required
26 to be paid under this subdivision must not be prorated on grounds
27 that the individual will complete his or her registration period
28 after the month in which the fee is due.

29 (c) The sum of the amounts required to be paid under



1 subdivisions (a) and (b) must not exceed \$550.00.

2 (9) ~~(7) An~~ **Except as otherwise provided in this subsection, an**
3 individual required to be registered under this act shall maintain
4 either a valid operator's or chauffeur's license issued under the
5 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an
6 official state personal identification card issued under 1972 PA
7 222, MCL 28.291 to 28.300, with the individual's current address.
8 The license or card may be used as proof of domicile or residence
9 under this section. In addition, the officer or authorized employee
10 may require the individual to produce another document bearing his
11 or her name and address, including, but not limited to, voter
12 registration or a utility or other bill. The department may specify
13 other satisfactory proof of domicile or residence. **The requirement**
14 **to maintain a valid operator's or chauffeur's license issued under**
15 **the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an**
16 **official state personal identification card issued under 1972 PA**
17 **222, MCL 28.291 to 28.300, does not apply to an individual required**
18 **to be registered under this act who is homeless. As used in this**
19 **subsection, "homeless" means someone who lacks a fixed or temporary**
20 **residence.**

21 (10) ~~(8) An~~ individual registered under this act, **other than a**
22 **listed offender**, who is incarcerated shall report to the secretary
23 of state under this subsection ~~immediately~~ **not more than 7 days**
24 after he or she is released to have his or her digitalized
25 photograph taken. **An individual who is required to be registered**
26 **under this act as a listed offender who is not incarcerated shall**
27 **report to the secretary of state under this subsection not less**
28 **than 10 days after he or she is released to have his or her**
29 **digitalized photograph taken.** The individual is not required to

1 report under this subsection if he or she had a digitized
 2 photograph taken for an operator's or chauffeur's license or
 3 official state personal identification card before January 1, 2000,
 4 or within 2 years before he or she is released unless his or her
 5 appearance has changed from the date of that photograph. Unless the
 6 person is a nonresident, the photograph must be used on the
 7 individual's operator's or chauffeur's license or official state
 8 personal identification card. The individual shall have a new
 9 photograph taken when he or she renews the license or
 10 identification card as provided by law, or as otherwise provided in
 11 this act. The secretary of state shall make the digitized
 12 photograph available to the department for a registration under
 13 this act.

14 (11) ~~(9)~~—If an individual does not report under this section
 15 or under section 4a, the department shall notify all registering
 16 authorities as provided in section 8a and initiate enforcement
 17 action as set forth in that section.

18 (12) ~~(10)~~—The department shall prescribe the form for the
 19 notices and verification procedures required under this section.

20 Sec. 7. (1) Registration information obtained under this act
 21 ~~shall~~**must** be forwarded to the department in the format the
 22 department prescribes. Except as provided in section 5b(3), a
 23 \$50.00 registration fee ~~shall~~**must** accompany each original
 24 registration. All of the following information ~~shall~~**must** be
 25 obtained or otherwise provided for registration purposes:

26 (a) The individual's legal name and any aliases, nicknames,
 27 ethnic or tribal names, or other names by which the individual is
 28 or has been known. An individual who is in a witness protection and
 29 relocation program is only required to use the name and identifying

1 information reflecting his or her new identity in a registration
 2 under this act. The registration and compilation databases ~~shall~~
 3 **must** not contain any information identifying the individual's prior
 4 identity or locale.

5 (b) The individual's ~~social security~~ **Social Security** number
 6 and any ~~social security~~ **Social Security** numbers or alleged ~~social~~
 7 ~~security~~ **Social Security** numbers previously used by the individual.

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

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

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

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



1 individual in the course of his or her employment.

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

7 (h) All telephone numbers registered to the individual or
8 routinely used by the individual. **As used in this subdivision,**
9 **"routinely used" refers to a primary phone number from which an**
10 **individual makes and receives calls and text messages.**

11 (i) ~~All~~ **Except for a listed offender, all** electronic mail
12 addresses and instant message addresses assigned to the individual
13 or routinely used by the individual and all login names or other
14 identifiers used by the individual when using any electronic mail
15 address or instant messaging system. **As used in this subdivision,**
16 **"routinely used refers to a primary electronic mail address or**
17 **instant message address an individual uses for sending and**
18 **receiving electronic mail or instant messages.**

19 (j) The license plate number, registration number, and
20 description of any motor vehicle ~~, aircraft, or vessel~~ owned or
21 regularly operated by the individual and the location at which the
22 motor vehicle ~~, aircraft, or vessel~~ is habitually stored or kept.
23 **As used in this subdivision, "regularly operated" means to use as a**
24 **primary vehicle on 10 or more days a month.**

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

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

29 (m) The individual's occupational and professional licensing



1 information, including any license that authorizes the individual
2 to engage in any occupation, profession, trade, or business.

3 (n) A brief summary of the individual's convictions for listed
4 offenses regardless of when the conviction occurred, including
5 where the offense occurred and the original charge if the
6 conviction was for a lesser offense.

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

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

9 (q) The individual's fingerprints if not already on file with
10 the department and the individual's palm prints. An individual
11 required to be registered under this act shall have his or her
12 fingerprints or palm prints or both taken not later than September
13 12, 2011 if his or her fingerprints or palm prints are not already
14 on file with the department. The department shall forward a copy of
15 the individual's fingerprints and palm prints to the ~~federal bureau~~
16 ~~of investigation~~ **Federal Bureau of Investigation** if not already on
17 file with that bureau.

18 (r) Information that is required to be reported under section
19 4a.

20 (2) A registration ~~shall~~ **must** contain all of the following:

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

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

26 (c) Any outstanding arrest warrant information.

27 (d) The individual's tier classification, **if applicable**.

28 (e) An identifier that indicates whether a DNA sample has been
29 collected and any resulting DNA profile has been entered into the



1 federal combined DNA index system (CODIS).

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

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

6 (h) The individual's ~~federal bureau of investigation~~ **Federal**
7 **Bureau of Investigation** number.

8 (3) The form used for notification of duties under this act
9 ~~shall~~ **must** contain a written statement that explains the duty of
10 the individual being registered to provide notice of changes in his
11 or her registration information, the procedures for providing that
12 notice, and the verification procedures under section 5a.

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

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

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

23 (7) The department shall prescribe the form for a notification
24 required under section 5 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~~ **Federal Bureau of Investigation** and to local law
29 enforcement agencies, sheriff's departments, department posts, and



1 other registering jurisdictions, as provided by law.

2 Sec. 8. (1) The department shall maintain a computerized law
3 enforcement database of registrations and notices required under
4 this act. The law enforcement database ~~shall~~**must** contain all of
5 the following information for each individual registered under this
6 act:

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

10 (b) The individual's ~~social security~~**Social Security** number
11 and any ~~social security~~**Social Security** numbers or alleged ~~social~~
12 ~~security~~**Social Security** numbers previously used by the individual.

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

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

21 (e) The name and address of any place of temporary lodging
22 used or to be used by the individual during any period in which the
23 individual is away, or is expected to be away, from his or her
24 residence for more than 7 days. Information under this subdivision
25 ~~shall~~**must** include the dates the lodging is used or to be used.

26 (f) The name and address of each of the individual's
27 employers. For purposes of this subdivision, "employer" includes a
28 contractor and any individual who has agreed to hire or contract
29 with the individual for his or her services. Information under this



1 subsection ~~shall~~**must** include the address or location of employment
2 if different from the address of the employer.

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. **As used in this subdivision,**
10 **"routinely used" refers to a primary phone number from which an**
11 **individual makes and receives calls and text messages.**

12 (i) All electronic mail addresses and instant message
13 addresses assigned to the individual or routinely used by the
14 individual and all login names or other identifiers used by the
15 individual when using any electronic mail address or instant
16 messaging system. **As used in this subdivision, "routinely used"**
17 **refers to a primary electronic mail address or instant message**
18 **address an individual uses for sending and receiving electronic**
19 **mail or instant messages.**

20 (j) The license plate number or registration number and
21 description of any motor vehicle ~~, aircraft, or vessel~~ owned or
22 regularly operated by the individual and the location at which the
23 motor vehicle ~~, aircraft, or vessel~~ is habitually stored or kept.
24 **As used in this subdivision, "regularly operated" means to use as a**
25 **primary vehicle on 10 or more days a month.**

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

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



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

4 (n) A brief summary of the individual's convictions for listed
5 offenses regardless of when the conviction occurred, including
6 where the offense occurred and the original charge if the
7 conviction was for a lesser offense.

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

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

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

11 (r) An electronic copy of the offender's Michigan driver
12 license or Michigan personal identification card, including the
13 photograph required under this act.

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

16 (t) Any outstanding arrest warrant information.

17 (u) The individual's tier classification, **if applicable**, and
18 registration status.

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

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

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

26 (y) The individual's ~~federal bureau of investigation~~ **Federal**
27 **Bureau of Investigation** number.

28 (2) The department shall maintain a public internet website
29 separate from the law enforcement database described in subsection



1 (1) to implement section 10(2) and (3). Except as provided in
2 subsection (4), the public internet website ~~shall~~**must** contain all
3 of the following information for each individual registered under
4 this act:

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

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

9 (c) The address where the individual resides. If the
10 individual does not have a residential address, information under
11 this subsection ~~shall~~**must** identify the village, city, or township
12 used by the individual in lieu of a residence.

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

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

24 (f) The license plate number or registration number and
25 description of any motor vehicle, aircraft, or vessel owned or
26 regularly operated by the individual. **As used in this subdivision,**
27 **"regularly operated" means to use as a primary vehicle on 10 or**
28 **more days a month.**

29 (g) A brief summary of the individual's convictions for listed



1 offenses regardless of when the conviction occurred.

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

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

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

9 (k) The individual's registration status.

10 (l) The individual's tier classification, **if applicable**.

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

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

14 (b) The individual's ~~social security~~**Social Security** number.

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

16 (d) Any travel or immigration document numbers.

17 (e) Any electronic mail addresses and instant message
18 addresses assigned to the individual or routinely used by the
19 individual and any login names or other identifiers used by the
20 individual when using any electronic mail address or instant
21 messaging system.

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

24 (4) The public internet website described in subsection (2)
25 ~~shall~~**must** not include the following individuals:

26 (a) An individual registered solely because he or she had 1 or
27 more dispositions for a listed offense entered under section 18 of
28 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
29 in a case that was not designated as a case in which the individual



1 was to be tried in the same manner as an adult under section 2d of
 2 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

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

6 (c) An individual registered solely because he or she was
 7 convicted of a single tier I offense, other than an individual who
 8 was convicted of a violation of any of the following:

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

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

13 (iii) Section 349b of the Michigan penal code, 1931 PA 328, MCL
 14 750.349b, if the victim is a minor.

15 (iv) Section 539j of the Michigan penal code, 1931 PA 328, MCL
 16 750.539j, if a victim is a minor.

17 (v) An offense substantially similar to an offense described
 18 in subparagraphs (i) to ~~(v)~~ **(iv)** under a law of the United States
 19 that is specifically enumerated in 42 USC 16911, under a law of any
 20 state or any country, or under tribal or military law.

21 **(d) A listed offender who was not required to be included on**
 22 **the public website before July 1, 2011.**

23 (5) The compilation of individuals ~~shall~~ **must** be indexed
 24 alphabetically by village, city, township, and county, numerically
 25 by zip code area, and geographically as determined appropriate by
 26 the department.

27 (6) The department shall update the public internet website
 28 with new registrations, deletions from registrations, and address
 29 changes at the same time those changes are made to the law



1 enforcement database described in subsection (1). The department
2 shall make the law enforcement database available to each
3 department post, local law enforcement agency, and sheriff's
4 department by the law enforcement information network. Upon request
5 by a department post, local law enforcement agency, or sheriff's
6 department, the department shall provide to that post, agency, or
7 sheriff's department the information from the law enforcement
8 database in printed form for the designated areas located in whole
9 or in part within the post's, agency's, or sheriff's department's
10 jurisdiction. The department shall provide the ability to conduct a
11 computerized search of the law enforcement database and the public
12 internet website based upon the name and campus location of an
13 institution of higher education.

14 (7) The department shall make the law enforcement database
15 available to a department post, local law enforcement agency, or
16 sheriff's department by electronic, computerized, or other similar
17 means accessible to the post, agency, or sheriff's department. The
18 department shall make the public internet website available to the
19 public by electronic, computerized, or other similar means
20 accessible to the public. The electronic, computerized, or other
21 similar means shall provide for a search by name, village, city,
22 township, and county designation, zip code, and geographical area.

23 (8) If a court determines that the public availability under
24 section 10 of any information concerning individuals registered
25 under this act violates the constitution of the United States or
26 this state, the department shall revise the public internet website
27 described in subsection (2) so that it does not contain that
28 information.

29 (9) If the department determines that an individual has



1 completed his or her registration period, including a registration
2 period reduced by law under 2011 PA 18, or that he or she otherwise
3 is no longer required to register under this act, the department
4 shall remove the individual's registration information from both
5 the law enforcement database and the public internet website within
6 7 days after making that determination.

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

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

17 (a) If the individual has no prior convictions for a violation
18 of this act, by imprisonment for not more than 4 years or a fine of
19 not more than \$2,000.00, or both.

20 (b) If the individual has 1 prior conviction for a violation
21 of this act, by imprisonment for not more than 7 years or a fine of
22 not more than \$5,000.00, or both.

23 (c) If the individual has 2 or more prior convictions for
24 violations of this act, by imprisonment for not more than 10 years
25 or a fine of not more than \$10,000.00, or both.

26 (2) An individual who **willfully** fails to comply with section
27 5a, other than payment of the fee required under section ~~5a(6)~~,
28 **5a(8)**, is guilty of a misdemeanor punishable by imprisonment for
29 not more than 2 years or a fine of not more than \$2,000.00, or



1 both.

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

6 (4) An individual who willfully refuses or fails to pay the
7 registration fee prescribed in section ~~5a(6)~~ **5a(8)** or section 7(1)
8 within 90 days of the date the individual reports under section 4a
9 or 5a is guilty of a misdemeanor punishable by imprisonment for not
10 more than 90 days.

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

13 (6) The court shall revoke the youthful trainee status of an
14 individual assigned to youthful trainee status who willfully
15 violates this act.

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

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

- 21 (a) The individual's last registered address or residence.
- 22 (b) The individual's actual address or residence.
- 23 (c) Where the individual was arrested for the violation.

24 Sec. 33. As used in this article:

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

27 ~~(b) "Loiter" means to remain for a period of time and under~~
28 ~~circumstances that a reasonable person would determine is for the~~
29 ~~primary purpose of observing or contacting minors.~~



1 **(b)** ~~(e)~~—"Minor" means an individual less than 18 years of age.

2 **(c)** ~~(d)~~—"School" means a public, private, denominational, or
3 parochial school offering developmental kindergarten, kindergarten,
4 or any grade from 1 through 12. School does not include a home
5 school.

6 **(d)** ~~(e)~~—"School property" means a building, ~~facility,~~
7 ~~structure, or real property owned, leased, or otherwise controlled~~
8 ~~by a school, other than a building, facility, structure, or real~~
9 ~~property that is no longer in use on a permanent or continuous~~
10 ~~basis, to which either of the following applies:~~

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

12 ~~(ii) It is for use by students not more than 19 years of age~~
13 ~~for sports or other recreational activities.~~**playing field, or other**
14 **property that is used for school purposes to impart instruction to**
15 **children or used for functions and events sponsored by a school,**
16 **designated by the school or school district as being school**
17 **property.**

18 **(e)** ~~(f)~~—"Student safety zone" means **school property and the**
19 **area that lies 1,000 feet or less from the property line of school**
20 **property. The distance between a dwelling place or a place of work**
21 **and a student safety zone must be measured from the property line**
22 **of a residence or a place of work and the property line of school**
23 **property.**

24 Sec. 34. (1) Except as provided in this section and section
25 36, an individual required to be registered under article II shall
26 not do ~~1 or more~~**either** of the following:

27 (a) Work **or reside** within a student safety zone.

28 (b) ~~Loiter within a student safety zone.~~**Intentionally enter**
29 **and remain on school property, except for an activity listed under**



1 **subsection (4).**

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

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

7 (b) An individual who **knowingly** violates this section and has
8 1 or more prior convictions under this section is guilty of a
9 felony punishable by imprisonment for not more than 2 years or a
10 fine of not more than \$2,000.00, or both.

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

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

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

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

26 **(4) The following individuals are not considered to be in**
27 **violation of subsection (1)(b):**

28 **(a) A parent or legal guardian who is on school property while**
29 **transporting his or her child to or from the child's school or to**



1 or from an event sanctioned by the child's school.

2 (b) A parent or legal guardian who is on school property
3 attending an event sanctioned by his or her child's school, if the
4 parent's or legal guardian's child is participating in that event.

5 (c) A parent or legal guardian who is on school property for
6 the purpose of meeting with an employee of the school regarding his
7 or her child enrolled at the school.

8 (d) An individual who only intermittently or sporadically
9 enters a student safety zone for the purpose of work, unless the
10 individual initiates or maintains contact with a minor.

11 (5) ~~(4)~~—This section does not prohibit an individual from
12 being charged with, convicted of, or punished for any other
13 violation of law that is committed by that individual while
14 violating this section.

15 (6) ~~(5)~~—Nothing in this section shall be construed to prohibit
16 an individual from exercising his or her right to vote.

