

HOUSE BILL No. 4575

April 27, 1999, Introduced by Reps. Martinez, Minore, Dennis, Faunce, Baird and Scranton and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 3 and 7 (MCL 28.723 and 28.727), section 3
as amended by 1995 PA 10 and section 7 as amended by 1996
PA 494.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
2 TION, THE following individuals who are domiciled or temporarily
3 reside in this state for 14 days or more are required to be reg-
4 istered under this act:

5 (a) An individual who is convicted of a listed offense after
6 October 1, 1995.

7 (b) An individual convicted of a listed offense on or before
8 October 1, 1995 who on October 1, 1995 is on probation or parole,
9 committed to jail, committed to the jurisdiction of the

1 department of corrections, or under the jurisdiction of the
2 juvenile division of the probate court or the department of
3 social services for that offense or who is placed on probation or
4 parole, committed to jail, committed to the jurisdiction of the
5 department of corrections, or placed under the jurisdiction of
6 the juvenile division of the probate court, THE FAMILY DIVISION
7 OF CIRCUIT COURT, or the ~~department of social services~~ FAMILY
8 INDEPENDENCE AGENCY after October 1, 1995 for that offense.

9 (c) An individual convicted of an offense described in
10 section 2(d)(vi) on or before October 1, 1995 who on October 1,
11 1995 is on probation or parole that has been transferred to this
12 state for that offense or whose probation or parole is trans-
13 ferred to this state after October 1, 1995 for that offense.

14 (2) AN INDIVIDUAL CONVICTED OF A VIOLATION OR ATTEMPTED VIO-
15 LATION OF SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,
16 MCL 750.520E, IS NOT REQUIRED TO BE REGISTERED UNDER THIS ACT FOR
17 THAT CONVICTION UNLESS THE PROSECUTING ATTORNEY NOTIFIES THE
18 COURT AND THE INDIVIDUAL IN WRITING BEFORE SENTENCING OR DISPOSI-
19 TION THAT THE INDIVIDUAL IS REQUIRED TO BE REGISTERED UNDER THIS
20 ACT.

21 (3) NOTWITHSTANDING SUBSECTION (2), IF AN INDIVIDUAL CON-
22 VICTED OF VIOLATING SECTION 520E OF THE MICHIGAN PENAL CODE, 1931
23 PA 328, MCL 750.520E, HAS NOT PREVIOUSLY BEEN CONVICTED OF A
24 LISTED OFFENSE, THE COURT MAY ORDER THE INDIVIDUAL EXEMPT FROM
25 REGISTRATION UNDER THIS ACT FOR THAT CONVICTION. IF THE COURT
26 ORDERS THE INDIVIDUAL EXEMPT FROM REGISTRATION UNDER THIS ACT,
27 THE INDIVIDUAL IS NOT REQUIRED TO BE REGISTERED UNDER THIS ACT

1 FOR THAT CONVICTION AND IS NOT REQUIRED TO LIST THE CONVICTION AS
2 A PRIOR OFFENSE UNDER SECTION 2.

3 (4) SUBSECTIONS (2) AND (3) APPLY TO AN INDIVIDUAL CONVICTED
4 OF OR FOUND RESPONSIBLE FOR A VIOLATION OF SECTION 520E OF THE
5 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E, BEFORE, ON, OR
6 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
7 SUBSECTION.

8 Sec. 7. (1) A registration under this act shall be made on
9 a form provided by the department and shall be forwarded to the
10 department in the format the department prescribes. A registra-
11 tion shall contain all of the following:

12 (a) The individual's name, social security number, date of
13 birth, and address or expected address. An individual registered
14 under this act before the effective date of the 1996 amendatory
15 act that amended this section shall provide the department with
16 his or her date of birth upon the department's request.

17 (b) A brief summary of the individual's convictions for
18 listed offenses, including where the offense occurred and the
19 original charge if the conviction was for a lesser offense. AN
20 OFFENSE FOR WHICH THE INDIVIDUAL IS EXEMPT FROM REGISTRATION
21 UNDER SECTION 3 IS NOT REQUIRED TO BE REPORTED UNDER THIS
22 SUBDIVISION.

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

24 (2) A registration may contain the following:

25 (a) The individual's blood type and whether a DNA identifi-
26 cation profile of the individual is available.

1 (b) A recent photograph of the individual.

2 (3) The form used for registration under this act shall
3 contain a written statement that explains the duty of the indi-
4 vidual being registered to provide notice of a change of address
5 under section 5 and the procedures for providing that notice.

6 (4) The individual may sign the registration or notice.

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

10 (6) An individual shall not knowingly provide false or mis-
11 leading information concerning a registration or notice.

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