

SENATE BILL NO. 11

January 13, 1999, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 1, 2, 3, 4, 5, 7, 9, and 10 (MCL 28.721, 28.722, 28.723, 28.724, 28.725, 28.727, 28.729, and 28.730), section 3 as amended by 1995 PA 10 and sections 7 and 10 as amended by 1996 PA 494, and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "sex AND CHILD offenders registration act".

3 Sec. 2. As used in this act:

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

5 (i) Having a judgment of conviction or a probation order
6 entered in a court having jurisdiction over criminal offenses,
7 including a conviction subsequently set aside ~~pursuant to Act~~
8 ~~No. 213 of the Public Acts of 1965, being sections 780.621 to~~

1 ~~780.624 of the Michigan Compiled Laws~~ UNDER 1965 PA 213,
2 MCL 780.621 TO 780.624.

3 (ii) Being assigned to youthful trainee status ~~pursuant to~~
4 UNDER sections 11 to 15 of chapter II of the code of criminal
5 procedure, ~~Act No. 175 of the Public Acts of 1927, being sec-~~
6 ~~tions 762.11 to 762.15 of the Michigan Compiled Laws~~ 1927 PA
7 175, MCL 762.12 TO 762.15.

8 (iii) Having ~~a~~ AN ORDER OF disposition entered ~~pursuant~~
9 ~~to~~ UNDER section 18 of chapter XIIIA of ~~Act No. 288 of the~~
10 ~~Public Acts of 1939, being section 712A.18 of the Michigan~~
11 ~~Compiled Laws~~ 1939 PA 288, MCL 712A.18, that is open to the gen-
12 eral public ~~pursuant to~~ UNDER section 28 of chapter XIIIA of
13 ~~Act No. 288 of the Public Acts of 1939, being section 712A.28 of~~
14 ~~the Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.28.

15 (b) "Department" means the department of state police.

16 (C) "FELONY" MEANS AN OFFENSE THAT IS PUNISHABLE BY IMPRIS-
17 ONMENT FOR MORE THAN 1 YEAR OR AN OFFENSE EXPRESSLY DESIGNATED BY
18 LAW AS A FELONY.

19 (D) ~~(c)~~ "Local law enforcement agency" means the police
20 department of a municipality.

21 (E) ~~(d)~~ "Listed offense" means any of the following:

22 (i) A violation of section 145a, 145b, or 145c of the
23 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
24 ~~being sections 750.145a, 750.145b, and 750.145c of the Michigan~~
25 ~~Compiled Laws~~ 1931 PA 328, MCL 750.145A, 750.145B, AND 750.145C.

26 (ii) A third or subsequent violation of any combination of
27 the following:

1 (A) Section 167(1)(f) of ~~Act No. 328 of the Public Acts of~~
2 ~~1931, being section 750.167 of the Michigan Compiled Laws~~ THE
3 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167.

4 (B) Section 335a of ~~Act No. 328 of the Public Acts of 1931,~~
5 ~~being section 750.335a of the Michigan Compiled Laws~~ THE
6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A.

7 (C) A local ordinance substantially corresponding to a sec-
8 tion described in sub-subparagraph (A) or (B).

9 (iii) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,
10 1931 PA 328, MCL 750.349, IF THE VICTIM IS LESS THAN 18 YEARS OF
11 AGE.

12 (iv) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,
13 1931 PA 328, MCL 750.350.

14 (v) ~~(iii)~~ A violation of section 455 of ~~Act No. 328 of~~
15 ~~the Public Acts of 1931, being section 750.455 of the Michigan~~
16 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
17 MCL. 750.455.

18 (vi) ~~(iv)~~ A violation of section 520b, 520c, 520d, 520e,
19 or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~
20 ~~sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of~~
21 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
22 MCL 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G.

23 (vii) ~~(v)~~ An attempt or conspiracy to commit an offense
24 described in subparagraphs (i) to ~~(iv)~~ (vi).

25 (viii) ~~(vi)~~ An offense substantially similar to an offense
26 described in subparagraphs (i) to ~~(v)~~ (vii) under a law of the

1 United States, any state, or any country OR UNDER TRIBAL OR
2 MILITARY LAW.

3 (F) ~~(e)~~ "Municipality" means a city, village, or township
4 of this state.

5 ~~(f) "Unit" means the department's investigative resources~~
6 ~~unit.~~

7 Sec. 3. (1) ~~The~~ SUBJECT TO SUBSECTION (2), THE following
8 individuals who are domiciled or temporarily reside in this state
9 for 14 days or more are required to be registered under this
10 act:

11 (a) An individual ~~who is~~ convicted of a listed offense
12 after October 1, 1995.

13 (b) An individual convicted of a listed offense on or before
14 October 1, 1995 who on October 1, 1995 is on probation or parole,
15 committed to jail, committed to the jurisdiction of the depart-
16 ment of corrections, or under the jurisdiction of the juvenile
17 division of the probate court or the department of social serv-
18 ices for that offense or who is placed on probation or parole,
19 committed to jail, committed to the jurisdiction of the depart-
20 ment of corrections, ~~or~~ placed under the jurisdiction of the
21 juvenile division of the probate court or FAMILY DIVISION OF CIR-
22 CUIT COURT, OR COMMITTED TO the department of social services OR
23 FAMILY INDEPENDENCE AGENCY after October 1, 1995 for that
24 offense.

25 (c) An individual convicted of an offense described in
26 ~~section 2(d)(vi)~~ SECTION 2(D)(viii) on or before October 1,
27 1995 who on October 1, 1995 is on probation or parole that has

1 been transferred to this state for that offense or whose
2 probation or parole is transferred to this state after October 1,
3 1995 for that offense.

4 (2) AN INDIVIDUAL CONVICTED OF AN OFFENSE ADDED ON JANUARY
5 1, 2000 TO THE DEFINITION OF LISTED OFFENSE IS NOT REQUIRED TO BE
6 REGISTERED SOLELY BECAUSE OF THAT LISTED OFFENSE UNLESS 1 OF THE
7 FOLLOWING APPLIES:

8 (A) THE INDIVIDUAL IS CONVICTED OF THAT LISTED OFFENSE AFTER
9 JANUARY 1, 2000.

10 (B) ON JANUARY 1, 2000, THE INDIVIDUAL IS ON PROBATION OR
11 PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDICTION OF THE
12 DEPARTMENT OF CORRECTIONS, UNDER THE JURISDICTION OF THE FAMILY
13 DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE FAMILY INDEPEN-
14 DENCE AGENCY FOR THAT OFFENSE OR THE INDIVIDUAL IS PLACED ON PRO-
15 BATION OR PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDIC-
16 TION OF THE DEPARTMENT OF CORRECTIONS, PLACED UNDER THE JURISDIC-
17 TION OF THE FAMILY DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE
18 FAMILY INDEPENDENCE AGENCY AFTER JANUARY 1, 2000 FOR THAT
19 OFFENSE.

20 (C) ON JANUARY 1, 2000, THE INDIVIDUAL IS ON PROBATION OR
21 PAROLE FOR THAT OFFENSE WHICH HAS BEEN TRANSFERRED TO THIS STATE
22 OR THE INDIVIDUAL'S PROBATION OR PAROLE FOR THAT OFFENSE IS
23 TRANSFERRED TO THIS STATE AFTER JANUARY 1, 2000.

24 Sec. 4. (1) Registration of an individual under this act
25 shall proceed as provided in this section.

26 (2) For an individual convicted of a listed offense on or
27 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
4 December 31, 1995:

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

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
11 of corrections.

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

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

19 (3) ~~For~~ EXCEPT AS PROVIDED IN SUBSECTION (4), FOR an indi-
20 vidual convicted of a listed offense on or before October 1,
21 1995:

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

26 (b) If the individual's probation or parole is transferred
27 to this state after October 1, 1995, the probation or parole

1 officer shall register the individual within 14 days after the
2 transfer.

3 (c) If the individual is placed within the jurisdiction of
4 the ~~juvenile~~ FAMILY division of ~~the probate~~ CIRCUIT court or
5 COMMITTED TO the ~~department of social services pursuant to~~
6 FAMILY INDEPENDENCE AGENCY UNDER an order of disposition entered
7 after October 1, 1995, the ~~juvenile~~ FAMILY division of ~~the~~
8 ~~probate~~ CIRCUIT court shall register the individual before the
9 order of disposition is entered.

10 (4) FOR AN INDIVIDUAL CONVICTED ON OR BEFORE JANUARY 1, 2000
11 OF AN OFFENSE THAT WAS ADDED ON JANUARY 1, 2000 TO THE DEFINITION
12 OF LISTED OFFENSE, THE FOLLOWING SHALL REGISTER THE INDIVIDUAL:

13 (A) IF THE INDIVIDUAL IS ON PROBATION OR PAROLE ON JANUARY
14 1, 2000 FOR THE LISTED OFFENSE, THE INDIVIDUAL'S PROBATION OR
15 PAROLE OFFICER BY MARCH 31, 2000.

16 (B) IF THE INDIVIDUAL IS COMMITTED TO JAIL OR UNDER THE
17 JURISDICTION OF THE DEPARTMENT OF CORRECTIONS ON JANUARY 1, 2000
18 FOR THE LISTED OFFENSE, THE SHERIFF OR HIS OR HER DESIGNEE OR THE
19 DEPARTMENT OF CORRECTIONS BY MARCH 31, 2000.

20 (C) IF THE INDIVIDUAL IS WITHIN THE JURISDICTION OF THE
21 FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY INDE-
22 PENDENCE AGENCY ON JANUARY 1, 2000 UNDER AN ORDER OF DISPOSITION
23 FOR THE LISTED OFFENSE, THE FAMILY DIVISION OF CIRCUIT COURT OR
24 THE FAMILY INDEPENDENCE AGENCY BY MARCH 31, 2000.

25 (D) IF THE INDIVIDUAL IS SENTENCED OR ASSIGNED TO YOUTHFUL
26 TRAINEE STATUS FOR THAT OFFENSE AFTER JANUARY 1, 2000, THE

1 PROBATION OFFICER SHALL REGISTER THE INDIVIDUAL BEFORE SENTENCING
2 OR ASSIGNMENT.

3 (E) IF THE INDIVIDUAL'S PROBATION OR PAROLE FOR THE LISTED
4 OFFENSE IS TRANSFERRED TO THIS STATE AFTER JANUARY 1, 2000, THE
5 PROBATION OR PAROLE OFFICER SHALL REGISTER THE INDIVIDUAL WITHIN
6 14 DAYS AFTER THE TRANSFER.

7 (F) IF THE INDIVIDUAL IS PLACED WITHIN THE JURISDICTION OF
8 THE FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY
9 INDEPENDENCE AGENCY FOR THE LISTED OFFENSE AFTER JANUARY 1, 2000,
10 THE FAMILY DIVISION OF CIRCUIT COURT SHALL REGISTER THE INDIVID-
11 UAL BEFORE THE ORDER OF DISPOSITION IS ENTERED.

12 (5) ~~(4) For an~~ AN individual convicted of a listed offense
13 in this state after October 1, 1995, ~~the individual~~ EXCEPT AN
14 INDIVIDUAL CONVICTED ON OR BEFORE JANUARY 1, 2000 OF AN OFFENSE
15 ADDED ON JANUARY 1, 2000 TO THE DEFINITION OF LISTED OFFENSE,
16 shall register before sentencing, entry of the order of disposi-
17 tion, or assignment to youthful trainee status. The probation
18 officer or the ~~juvenile~~ FAMILY division of ~~the probate~~
19 CIRCUIT court shall give the individual the registration form
20 after the individual is convicted, ~~shall~~ explain the duty to
21 register, and ~~shall~~ accept the completed registration for pro-
22 cessing ~~pursuant to~~ UNDER section 6. THE COURT SHALL NOT
23 IMPOSE SENTENCE, ENTER THE ORDER OF DISPOSITION, OR ASSIGN THE
24 INDIVIDUAL TO YOUTHFUL TRAINEE STATUS UNTIL IT DETERMINES THAT
25 THE INDIVIDUAL'S REGISTRATION WAS FORWARDED TO THE DEPARTMENT AS
26 REQUIRED UNDER SECTION 6.

1 (6) ~~(5) For an~~ AN individual convicted of a listed offense
 2 in another state or country after October 1, 1995 ~~, the~~
 3 ~~individual~~ shall register with the local law enforcement agency,
 4 ~~or the state police or the~~ sheriff's department, OR THE
 5 DEPARTMENT within 14 days after becoming domiciled or temporarily
 6 residing in this state.

7 Sec. 5. (1) Within 10 days after any of the following
 8 occur, an individual required to be registered under this act
 9 shall notify the local law enforcement agency ~~in which~~ OR
 10 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE his or her new
 11 ~~address~~ RESIDENCE OR DOMICILE is located ~~,~~ or the ~~state~~
 12 ~~police or the sheriff's~~ department of the individual's new
 13 ~~address~~ RESIDENCE OR DOMICILE:

14 (a) The individual changes his or her ~~address~~ RESIDENCE OR
 15 DOMICILE.

16 (b) The individual is paroled.

17 (c) Final release of the individual from the jurisdiction of
 18 the department of corrections.

19 (2) Within 10 days after either of the following occurs, the
 20 department of corrections shall notify the local law enforcement
 21 agency ~~for~~ OR SHERIFF'S DEPARTMENT HAVING JURISDICTION OVER the
 22 area to which the individual is transferred ~~,~~ or the ~~state~~
 23 ~~police of the sheriff's~~ department of the transferred ~~address~~
 24 RESIDENCE OR DOMICILE of an individual required to be registered
 25 under this act:

26 (a) The individual is transferred to a community residential
 27 program.

1 (b) The individual is transferred into a minimum custody
2 correctional facility of any kind, including a correctional camp
3 or work camp.

4 (3) AN INDIVIDUAL REGISTERED UNDER THIS ACT SHALL COMPLY
5 WITH THE VERIFICATION PROCEDURES AND PROOF OF RESIDENCE PROCE-
6 DURES PRESCRIBED IN SECTION 5A.

7 (4) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT
8 SHALL NOTIFY THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPART-
9 MENT BEFORE HE OR SHE CHANGES HIS OR HER DOMICILE OR RESIDENCE TO
10 ANOTHER STATE. THE INDIVIDUAL SHALL INDICATE THE NEW STATE AND,
11 IF KNOWN, THE NEW ADDRESS. THE DEPARTMENT SHALL UPDATE THE REG-
12 ISTRATION AND COMPILATION DATA BASES AND PROMPTLY NOTIFY THE
13 APPROPRIATE LAW ENFORCEMENT AGENCY AND ANY APPLICABLE SEX
14 OFFENDER REGISTRATION AUTHORITY IN THE NEW STATE.

15 (5) ~~(3)~~ Except as provided in subsection ~~(4)~~ (6), an
16 individual shall comply with this section for 25 years after the
17 date of initially registering OR, IF THE INDIVIDUAL IS IN A STATE
18 CORRECTIONAL FACILITY, FOR 10 YEARS AFTER RELEASE FROM THE STATE
19 CORRECTIONAL FACILITY, WHICHEVER IS LONGER.

20 (6) ~~(4)~~ An individual shall comply with this section for
21 life if the individual is convicted of a LISTED OFFENSE THAT IS A
22 FELONY OR IS CONVICTED OF A second or subsequent listed offense
23 after October 1, 1995 regardless of when ~~the first~~ ANY EARLIER
24 listed offense was committed.

25 SEC. 5A. (1) BY JANUARY 15, 2000, THE DEPARTMENT SHALL MAIL
26 A NOTICE TO EACH INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS NOT

1 IN A STATE CORRECTIONAL FACILITY EXPLAINING THE INDIVIDUAL'S
2 DUTIES UNDER THIS SECTION AND THE PROCEDURE FOR VERIFICATION.

3 (2) UPON THE RELEASE OF AN INDIVIDUAL REGISTERED UNDER THIS
4 ACT WHO IS IN A STATE CORRECTIONAL FACILITY, THE DEPARTMENT OF
5 CORRECTIONS SHALL PROVIDE WRITTEN NOTICE TO THAT INDIVIDUAL
6 EXPLAINING HIS OR HER DUTIES UNDER THIS SECTION AND THE PROCEDURE
7 FOR VERIFICATION. THE INDIVIDUAL SHALL SIGN AND DATE THE NOTICE
8 AND THE DEPARTMENT OF CORRECTIONS SHALL MAINTAIN A COPY OF THE
9 SIGNED AND DATED NOTICE IN THE INDIVIDUAL'S FILE.

10 (3) BEGINNING MARCH 2000 AND WITHIN THE FIRST 14 DAYS OF
11 JANUARY, MARCH, MAY, JULY, SEPTEMBER, AND NOVEMBER OF EACH YEAR,
12 AN INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS NOT INCARCERATED
13 SHALL REPORT IN PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR
14 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE HE OR SHE IS DOMI-
15 CILED OR RESIDES OR TO THE DEPARTMENT POST IN OR NEAREST TO THE
16 COUNTY WHERE HE OR SHE IS DOMICILED OR RESIDES. THE INDIVIDUAL
17 SHALL PRESENT PROOF OF DOMICILE OR RESIDENCE AND UPDATE ANY
18 INFORMATION THAT CHANGED SINCE REGISTRATION OR THE LAST
19 VERIFICATION. AN OFFICER OR AUTHORIZED EMPLOYEE OF THE LAW
20 ENFORCEMENT AGENCY, SHERIFF'S DEPARTMENT, OR DEPARTMENT POST
21 SHALL VERIFY THE INDIVIDUAL'S RESIDENCE OR DOMICILE, SIGN AND
22 DATE A VERIFICATION FORM, AND GIVE A COPY OF THE FORM TO THE
23 INDIVIDUAL. THE OFFICER OR EMPLOYEE SHALL FORWARD VERIFICATION
24 INFORMATION TO THE DEPARTMENT BY THE LAW ENFORCEMENT INFORMATION
25 NETWORK IN THE MANNER THE DEPARTMENT PRESCRIBES. THE DEPARTMENT
26 SHALL REVISE THE DATA BASES MAINTAINED UNDER SECTION 8 AS

1 NECESSARY AND SHALL INDICATE VERIFICATION IN THE COMPILATION
2 UNDER SECTION 8(2).

3 (4) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT
4 SHALL MAINTAIN EITHER A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
5 ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
6 257.923, OR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
7 UNDER 1972 PA 222, MCL 28.291 TO 28.300, WITH THE INDIVIDUAL'S
8 CURRENT ADDRESS. THE LICENSE OR CARD MAY BE USED AS PROOF OF
9 DOMICILE OR RESIDENCE UNDER THIS SECTION. IN ADDITION, THE OFFI-
10 CER OR AUTHORIZED EMPLOYEE MAY REQUIRE THE INDIVIDUAL TO PRODUCE
11 ANOTHER DOCUMENT BEARING HIS OR HER NAME AND ADDRESS, INCLUDING
12 BUT NOT LIMITED TO VOTER REGISTRATION OR A UTILITY OR OTHER
13 BILL. THE DEPARTMENT MAY SPECIFY OTHER SATISFACTORY PROOF OF
14 DOMICILE OR RESIDENCE.

15 (5) IF AN INDIVIDUAL DOES NOT REPORT UNDER SUBSECTION (3),
16 THE DEPARTMENT SHALL NOTIFY THE APPROPRIATE LOCAL LAW ENFORCEMENT
17 AGENCY OR SHERIFF'S DEPARTMENT AND REQUEST THAT IT INVESTIGATE
18 WHETHER THE INDIVIDUAL RESIDES AT THE REGISTERED ADDRESS AND
19 REPORT THE RESULTS TO THE DEPARTMENT. IF IT IS DETERMINED THAT
20 AN INDIVIDUAL DOES NOT RESIDE AT THE REGISTERED ADDRESS, THE
21 DEPARTMENT SHALL REVISE THE REGISTRATION TO REFLECT THAT FACT AND
22 SHALL REMOVE THE ADDRESS FROM THE COMPILATION.

23 (6) LOCAL LAW ENFORCEMENT AGENCIES AND SHERIFF'S DEPARTMENTS
24 ARE ENCOURAGED TO VERIFY ADDRESSES OF REGISTERED INDIVIDUALS,
25 CHECK COMPLIANCE WITH THIS ACT, AND REPORT ERRORS OR DISCREPAN-
26 CIES IN THE REGISTRATION OR THE COMPILATION UNDER SECTION 8(2) TO
27 THE DEPARTMENT.

1 (7) THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR THE NOTICES
2 AND VERIFICATION PROCEDURES REQUIRED UNDER THIS SECTION.

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

7 (a) The individual's name, social security number, date of
8 birth, and address or expected address. AN INDIVIDUAL WHO IS IN
9 A WITNESS PROTECTION AND RELOCATION PROGRAM IS ONLY REQUIRED TO
10 USE THE NAME AND IDENTIFYING INFORMATION REFLECTING HIS OR HER
11 NEW IDENTITY IN A REGISTRATION UNDER THIS ACT. An individual reg-
12 istered under this act before ~~the effective date of the 1996~~
13 ~~amendatory act that amended this section~~ APRIL 1, 1997 shall
14 provide the department with his or her date of birth upon the
15 department's request.

16 (b) A brief summary of the individual's convictions for
17 listed offenses REGARDLESS OF WHEN THE CONVICTION OCCURRED,
18 including where the offense occurred and the original charge if
19 the conviction was for a lesser offense.

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

21 (2) A registration may contain the following:

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

24 (b) A recent photograph of the individual.

25 (3) The form used for registration under this act shall con-
26 tain a written statement that explains the duty of the individual
27 being registered to provide notice of a change of address under

1 section 5, ~~and~~ the procedures for providing that notice, AND
2 THE VERIFICATION PROCEDURES UNDER SECTION 5A.

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

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

7 (6) An individual shall not knowingly provide false or mis-
8 leading information concerning a registration, ~~or~~ notice, OR
9 VERIFICATION.

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

13 Sec. 9. (1) An individual required to be registered under
14 this act who willfully violates this act is guilty of a felony
15 punishable AS FOLLOWS:

16 (A) IF THE INDIVIDUAL HAS NO PRIOR CONVICTIONS FOR A VIOLA-
17 TION OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SECTION 5A,
18 by imprisonment for not more than 4 years or a fine of not more
19 than \$2,000.00, or both.

20 (B) IF THE INDIVIDUAL HAS 1 PRIOR CONVICTION FOR A VIOLATION
21 OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SECTION 5A, BY
22 IMPRISONMENT FOR NOT MORE THAN 7 YEARS OR A FINE OF NOT MORE THAN
23 \$5,000.00, OR BOTH.

24 (C) IF THE INDIVIDUAL HAS 2 OR MORE PRIOR CONVICTIONS FOR
25 VIOLATIONS OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SEC-
26 TION 5A, BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF
27 NOT MORE THAN \$10,000.00, OR BOTH.

1 (2) AN INDIVIDUAL WHO FAILS TO COMPLY WITH SECTION 5A IS
2 GUILTY OF A MISDEMEANOR PUNISHABLE AS FOLLOWS:

3 (A) IF THE INDIVIDUAL HAS NO PRIOR CONVICTIONS FOR FAILURE
4 TO COMPLY WITH SECTION 5A, BY IMPRISONMENT FOR NOT MORE THAN 93
5 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

6 (B) IF THE INDIVIDUAL HAS 1 PRIOR CONVICTION FOR FAILURE TO
7 COMPLY WITH SECTION 5A, BY IMPRISONMENT FOR NOT MORE THAN 6
8 MONTHS OR A FINE OF NOT MORE THAN \$700.00, OR BOTH.

9 (C) IF THE INDIVIDUAL HAS 2 OR MORE PRIOR CONVICTIONS FOR
10 FAILURE TO COMPLY WITH SECTION 5A, BY IMPRISONMENT FOR NOT MORE
11 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

12 (3) ~~-(2)-~~ The court shall revoke the probation of an indi-
13 vidual placed on probation who willfully violates this act.

14 (4) ~~-(3)-~~ The court shall revoke the youthful trainee status
15 of an individual assigned to youthful trainee status who will-
16 fully violates this act.

17 (5) ~~-(4)-~~ The parole board shall rescind the parole of an
18 individual released on parole who willfully violates this act.

19 (6) AN INDIVIDUAL'S FAILURE TO REGISTER AS REQUIRED BY THIS
20 ACT OR A VIOLATION OF SECTION 5(1), (3), OR (4) MAY BE PROSECUTED
21 IN THE JURISDICTION OF ANY OF THE FOLLOWING:

22 (A) THE INDIVIDUAL'S LAST REGISTERED ADDRESS OR RESIDENCE.

23 (B) THE INDIVIDUAL'S ACTUAL ADDRESS OR RESIDENCE.

24 (C) WHERE THE INDIVIDUAL WAS ARRESTED FOR THE VIOLATION.

25 Sec. 10. (1) Except as provided in this act, a registration
26 is confidential and shall not be open to inspection except for
27 law enforcement purposes. The registration and all included

1 materials and information are exempt from disclosure ~~pursuant~~
2 ~~to~~ UNDER section 13 of the freedom of information act, ~~Act~~
3 ~~No. 442 of the Public Acts of 1976, being section 15.243 of the~~
4 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.243.

5 (2) A department post, local law enforcement agency, or
6 sheriff's department shall make information from the compilation
7 described in section 8(2) for the zip code areas located in whole
8 or in part within the post's, agency's, or sheriff's department's
9 jurisdiction available for public inspection during regular busi-
10 ness hours. A department post, local law enforcement agency, or
11 sheriff's department is not required to make a copy of the infor-
12 mation for a member of the public.

13 (3) The department may make information from the compilation
14 described in section 8(2) available to the public through elec-
15 tronic, computerized, or other accessible means.

16 (4) Except as provided in this act, an individual other than
17 the registrant who knows of a registration under this act and who
18 divulges, uses, or publishes NONPUBLIC information concerning the
19 registration in violation of this act is guilty of a misdemeanor
20 punishable by imprisonment for not more than 90 days or a fine of
21 not more than \$500.00, or both.

22 (5) An individual whose registration is revealed in viola-
23 tion of this act has a civil cause of action against the respon-
24 sible party for treble damages.

25 (6) Subsections (4) and (5) do not apply to the compilation
26 described in section 8(2) or information from that compilation
27 that is provided or made available under section 8(2) or under

1 subsection (2) or (3). A PERSON DOES NOT HAVE ANY OTHER CAUSE OF
2 ACTION AGAINST ANOTHER PERSON FOR DISCLOSURE OF INFORMATION FROM
3 THAT COMPILATION THAT IS PROVIDED OR MADE AVAILABLE UNDER SECTION
4 8(2) OR UNDER SUBSECTION (2) OR (3) UNLESS THAT OTHER PERSON
5 ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

6 Enacting section 1. This amendatory act takes effect
7 January 1, 2000.