

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4932

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
(MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA
237, and by adding headings for articles I and II and by adding
article III.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6
7
8
9

TITLE

An act to require persons convicted of certain offenses to
register; **TO PROHIBIT CERTAIN INDIVIDUALS FROM ENGAGING IN CERTAIN**
ACTIVITIES WITHIN A STUDENT SAFETY ZONE; to prescribe the powers
and duties of certain departments and agencies in connection with
that registration; and to prescribe penalties and sanctions.

I GENERAL

II SEX OFFENDER REGISTRATION

III STUDENT SAFETY ZONES

1 SEC. 33. AS USED IN THIS ARTICLE:

2 (A) "LISTED OFFENSE" MEANS THAT TERM AS DEFINED IN SECTION 2
3 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.722.

4 (B) "LOITER" MEANS TO REMAIN FOR A PERIOD OF TIME AND UNDER
5 CIRCUMSTANCES THAT A REASONABLE PERSON WOULD DETERMINE IS FOR THE
6 PRIMARY PURPOSE OF OBSERVING OR CONTACTING MINORS.

7 (C) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

8 (D) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
9 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGARTEN,
10 OR ANY GRADE FROM 1 THROUGH 12. SCHOOL DOES NOT INCLUDE A HOME
11 SCHOOL.

12 (E) "SCHOOL PROPERTY" MEANS A BUILDING, FACILITY, STRUCTURE,
13 OR REAL PROPERTY OWNED, LEASED, OR OTHERWISE CONTROLLED BY A
14 SCHOOL, OTHER THAN A BUILDING, FACILITY, STRUCTURE, OR REAL
15 PROPERTY THAT IS NO LONGER IN USE ON A PERMANENT OR CONTINUOUS
16 BASIS, TO WHICH EITHER OF THE FOLLOWING APPLIES:

17 (i) IT IS USED TO IMPART EDUCATIONAL INSTRUCTION.

18 (ii) IT IS FOR USE BY STUDENTS NOT MORE THAN 19 YEARS OF AGE
19 FOR SPORTS OR OTHER RECREATIONAL ACTIVITIES.

20 (F) "STUDENT SAFETY ZONE" MEANS THE AREA THAT LIES 1,000 FEET
21 OR LESS FROM SCHOOL PROPERTY.

22 SEC. 34. (1) EXCEPT AS PROVIDED IN THIS SECTION AND SECTION
23 36, AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER ARTICLE II SHALL
24 NOT DO 1 OR MORE OF THE FOLLOWING:

25 (A) WORK WITHIN A STUDENT SAFETY ZONE.

26 (B) LOITER WITHIN A STUDENT SAFETY ZONE.

1 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
2 CRIME AS FOLLOWS:

3 (A) FOR THE FIRST VIOLATION, THE INDIVIDUAL IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
5 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

6 (B) FOR THE SECOND OR SUBSEQUENT VIOLATION, THE INDIVIDUAL IS
7 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2
8 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

9 (3) SUBSECTION (1) (A) DOES NOT APPLY TO ANY OF THE FOLLOWING:

10 (A) AN INDIVIDUAL WHO WAS WORKING WITHIN A STUDENT SAFETY ZONE
11 AT THE TIME THE AMENDATORY ACT THAT ADDED THIS SECTION WAS ENACTED
12 INTO LAW. HOWEVER, THIS EXCEPTION DOES NOT APPLY TO AN INDIVIDUAL
13 WHO INITIATES OR MAINTAINS CONTACT WITH A MINOR WITHIN THAT STUDENT
14 SAFETY ZONE.

15 (B) AN INDIVIDUAL WHOSE PLACE OF EMPLOYMENT IS WITHIN A
16 STUDENT SAFETY ZONE SOLELY BECAUSE A SCHOOL IS RELOCATED OR IS
17 INITIALLY ESTABLISHED 1,000 FEET OR LESS FROM THE INDIVIDUAL'S
18 PLACE OF EMPLOYMENT. HOWEVER, THIS EXCEPTION DOES NOT APPLY TO AN
19 INDIVIDUAL WHO INITIATES OR MAINTAINS CONTACT WITH A MINOR WITHIN
20 THAT STUDENT SAFETY ZONE.

21 (C) AN INDIVIDUAL WHO ONLY INTERMITTENTLY OR SPORADICALLY
22 ENTERS A STUDENT SAFETY ZONE FOR THE PURPOSE OF WORK. HOWEVER,
23 THIS EXCEPTION DOES NOT APPLY TO AN INDIVIDUAL WHO INITIATES OR
24 MAINTAINS CONTACT WITH A MINOR WITHIN A STUDENT SAFETY ZONE.

25 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
26 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF
27 LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS

1 SECTION.

2 Enacting section 1. This amendatory act takes effect January
3 1, 2006.