

HOUSE BILL No. 5614

January 25, 2006, Introduced by Rep. Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2004 PA 240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The department shall maintain a computerized
2 database of registrations and notices required under this act.

3 (2) The department shall maintain a computerized database
4 separate from that described in subsection (1) to implement section
5 10(2) and (3). Except as provided in subsection (3), the database
6 shall consist of a compilation of individuals registered under this
7 act.

8 (3) The database described in subsection (2) shall not include
9 the following individuals:

1 (a) An individual registered solely because he or she had 1 or
2 more dispositions for a listed offense entered under section 18 of
3 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
4 in a case that was not designated as a case in which the individual
5 was to be tried in the same manner as an adult under section 2d of
6 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.
7 Except as provided in subdivision (b), the exclusion for juvenile
8 dispositions does not apply to a disposition for a violation of
9 section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL
10 750.520b and 750.520c, after the individual becomes 18 years of
11 age.

12 (b) An individual who is exempt under section 8d from that
13 database.

14 (4) The compilation of individuals shall be indexed
15 numerically by zip code area. Within each zip code area, the
16 compilation shall contain all of the following information:

17 (a) The name and aliases, address, physical description, and
18 birth date of each individual registered under this act who is
19 included in the compilation and who resides in that zip code area
20 and any listed offense of which the individual has been convicted.

21 (b) The name and campus location of each institution of higher
22 education to which the individual is required to report under
23 section 4a.

24 (c) Beginning May 1, 2005, the photograph of each individual
25 registered under this act. The department shall obtain the
26 photographs submitted under section 5a from the secretary of state
27 for purposes of implementing this subdivision.

1 (D) THE DATE EACH INDIVIDUAL COMMITTED THE LISTED OFFENSE OR
2 LISTED OFFENSES.

3 (5) The department shall update the compilation with new
4 registrations, deletions from registrations, and address changes at
5 the same time those changes are made to the database described in
6 subsection (1). The department shall make the compilation available
7 to each department post, local law enforcement agency, and
8 sheriff's department by the law enforcement information network.
9 Upon request by a department post, local law enforcement agency, or
10 sheriff's department, the department shall provide to that post,
11 agency, or sheriff's department the information from the
12 compilation in printed form for the zip code areas located in whole
13 or in part within the post's, agency's, or sheriff's department's
14 jurisdiction. The department shall provide the ability to conduct a
15 computerized search of the compilation based upon the name and
16 campus location of an institution of higher education described in
17 subsection (4)(b).

18 (6) The department shall make the compilation or information
19 from the compilation available to a department post, local law
20 enforcement agency, sheriff's department, and the public by
21 electronic, computerized, or other similar means accessible to the
22 post, agency, or sheriff's department. The electronic,
23 computerized, or other similar means shall provide for both a
24 search by name and by zip code.

25 (7) If a court determines that the public availability under
26 section 10 of any information concerning individuals registered
27 under this act, including names and aliases, addresses, physical

1 descriptions, or dates of birth, violates the constitution of the
2 United States or this state, the department shall revise the
3 compilation in subsection (2) so that it does not contain that
4 information.