

SENATE BILL No. 1241

March 23, 2010, Introduced by Senator KUIPERS and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 5 (MCL 28.725), as amended by 2006 PA 402.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
2 **AN** individual required to be registered under this act shall notify
3 the local law enforcement agency or sheriff's department having
4 jurisdiction where his or her new residence or domicile is located
5 or the department post of the individual's new residence or
6 domicile 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 (2) If an individual who is incarcerated in a state
10 correctional facility and is required to be registered under this

1 act is granted parole or is due to be released upon completion of
2 his or her maximum sentence, the department of corrections, before
3 releasing the individual, shall provide notice of the location of
4 the individual's proposed place of residence or domicile to the
5 sheriff's department having jurisdiction over that location or to
6 the appropriate state police department post.

7 (3) Within 10 days after either of the following occurs, the
8 department of corrections shall notify the local law enforcement
9 agency or sheriff's department having jurisdiction over the area to
10 which the individual is transferred or the department post of the
11 transferred residence or domicile of an individual required to be
12 registered under this act:

13 (a) The individual is transferred to a community residential
14 program.

15 (b) The individual is transferred into a minimum custody
16 correctional facility of any kind, including a correctional camp or
17 work camp.

18 (4) An individual required to be registered under this act
19 shall notify the department on a form prescribed by the department
20 not later than 10 days before he or she changes his or her domicile
21 or residence to another state. The individual shall indicate the
22 new state and, if known, the new address. The department shall
23 update the registration and compilation databases and promptly
24 notify the appropriate law enforcement agency and any applicable
25 sex or child offender registration authority in the new state.

26 (5) If the probation or parole of an individual required to be
27 registered under this act is transferred to another state or an

1 individual required to be registered under this act is transferred
2 from a state correctional facility to any correctional facility or
3 probation or parole in another state, the department of corrections
4 shall promptly notify the department and the appropriate law
5 enforcement agency and any applicable sex or child offender
6 registration authority in the new state. The department shall
7 update the registration and compilation databases.

8 (6) An individual registered under this act shall comply with
9 the verification procedures and proof of residence procedures
10 prescribed in sections 4a and 5a.

11 (7) Except as provided in subsections (8) and (9), an
12 individual shall comply with this section for 25 years after the
13 date of initially registering or, if the individual is in a state
14 correctional facility, for 10 years after release from the state
15 correctional facility, whichever is longer.

16 (8) Except as provided in subsection (9), an individual shall
17 comply with this section for life if the individual is convicted of
18 any of the following or a substantially similar offense under a law
19 of the United States, any state, or any country or under tribal or
20 military law:

21 (a) A violation of section 520b of the Michigan penal code,
22 1931 PA 328, MCL 750.520b.

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

25 (c) A violation of section 349 of the Michigan penal code,
26 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
27 age.

1 (d) A violation of section 350 of the Michigan penal code,
2 1931 PA 328, MCL 750.350.

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

5 (f) An attempt or conspiracy to commit an offense described in
6 subdivisions (a) to (e).

7 (g) Except as provided in this subdivision, a second or
8 subsequent listed offense after October 1, 1995 regardless of when
9 any earlier listed offense was committed. An individual is not
10 required to comply with this section for life if his or her first
11 or second listed offense is for a conviction on or before September
12 1, 1999 for an offense that was added on September 1, 1999 to the
13 definition of listed offense, unless he or she is convicted of a
14 subsequent listed offense after September 1, 1999.

15 (9) An individual who is ordered to register as provided in
16 section 8d shall register subject to that section.

17 **(10) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT**
18 **WHO IS HOMELESS SHALL PROVIDE THE FOLLOWING INFORMATION, AS**
19 **APPLICABLE, TO THE NEAREST LAW ENFORCEMENT AGENCY HAVING**
20 **JURISDICTION:**

21 **(A) THE ADDRESS OF ANY DWELLING THAT IS PROVIDING THE**
22 **INDIVIDUAL TEMPORARY SHELTER.**

23 **(B) IF SUBDIVISION (A) DOES NOT APPLY, THE LOCATION WHERE THE**
24 **OFFENDER SPENDS THE MAJORITY OF HIS OR HER TIME DURING THE WEEK,**
25 **INCLUDING, BUT NOT LIMITED TO, THE CLOSEST 2 CROSS STREETS OF THE**
26 **CITY, COUNTY, OR STATE AND ZIP CODE.**

27 Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 95th Legislature are
2 enacted into law:

3 (a) Senate Bill No. 1206.

4 (b) Senate Bill No. 1207.

5 (c) Senate Bill No. 1208.