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Senate Bill 602 (as enacted)
Sponsor: Senator Joe Hune
Senate Committee: Families, Seniors and Human Services
House Committee: Criminal Justice

PUBLIC ACT 328 of 2014

Date Completed: 2-11-15

CONTENT

The bill amended the Sex Offenders Registration Act to include a violation of Section 449a(2) of the Michigan Penal Code as a tier I offense, and to include a violation of Section 462e(a) as a tier II offense. (Those sections involve soliciting or recruiting a minor for prostitution or forced labor.)

The bill took effect on January 14, 2015.

The Act prescribes registration and reporting requirements for sex offenders, and penalties for offenders who fail to register. Offenders are categorized into one of three tiers, and the length of time that an offender is required to comply with verification and proof of residency requirements depends on which tier applies to the offender. Unless a petition to discontinue registration is granted, a tier I offender is required to comply for 15 years, a tier II offender must comply for 25 years, and a tier III offender must comply for life.

The tier in which an offender is grouped depends on the crime the offender committed, and whether he or she is a repeat offender. "Tier I offender" means an individual convicted of a tier I offense who is not a tier II or tier III offender. Some examples of tier I offenses include:

- Unlawfully imprisoning a minor.
- Assault with the intent to commit second-degree criminal sexual conduct against an adult.
- Criminal sexual conduct in the fourth degree committed against an adult.

"Tier II offender" means an individual convicted of a tier II offense who is not a tier III offender. Some examples of tier II offenses include:

- Accosting, enticing, soliciting, or encouraging a child less than 16 years of age to submit to an act of sexual intercourse, an act of gross indecency, or to any other act of depravity or delinquency.
- Sodomy committed against a minor, unless certain conditions apply.
- Soliciting, accosting, or inviting a minor to commit prostitution.

The bill includes as a tier I offense a violation of Section 449a(2) of the Penal Code, which makes it a felony for a person to engage or offer to engage another person, who is under the age of 18 and who is not the person's spouse, for the purposes of prostitution by payment in money or other forms of consideration.

The bill also includes as a tier II offense a violation of Section 462e(a) of the Penal Code, which makes it a felony to recruit, entice, harbor, transport, provide, or obtain by any means a minor

for commercial sexual activity, or for forced labor or services, regardless of whether the offender knows the age of the minor.

MCL 28.722

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker