

SENATE BILL No. 263

March 21, 2017, Introduced by Senators SCHUITMAKER, HERTEL, CONYERS, JONES, HORN, SCHMIDT, ROCCA, BRANDENBURG, BIEDA, PROOS, HOPGOOD, KNEZEK, NOFS, MACGREGOR, MARLEAU and HUNE and referred to the Committee on Judiciary.

A bill to require persons convicted of certain child abuse offenses to register with the child abuse offenders registry; to prescribe the powers and duties of certain departments and agencies in connection with that registration; to prescribe fees and penalties; and to authorize certain causes of action.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "child
2 abuse offenders registration act".

3 Sec. 2. As used in this act:

4 (a) "Child abuse offense" means any violation of section 136b
5 of the Michigan penal code, 1931 PA 328, MCL 750.136b (child
6 abuse), or a substantially similar offense under a law of the
7 United States, any state, or any country or under tribal or
8 military law, that is committed by an adult or by a minor who is

1 tried in the same manner as an adult under section 2d of chapter
2 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

3 (b) "Convicted" means any of the following:

4 (i) Having a judgment of conviction or a probation order
5 entered in any court having jurisdiction over criminal offenses,
6 including, but not limited to, a tribal court or a military court,
7 other than a conviction subsequently set aside under 1965 PA 213,
8 MCL 780.621 to 780.624.

9 (ii) Either of the following:

10 (A) Being assigned to youthful trainee status under sections
11 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
12 175, MCL 762.11 to 762.15.

13 (B) Being assigned to youthful trainee status under sections
14 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
15 175, MCL 762.11 to 762.15, if the individual's status of youthful
16 trainee is revoked and an adjudication of guilt is entered.

17 (iii) Having an order of disposition entered under section 18
18 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
19 712A.18, that is open to the general public under section 28 of
20 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28.

21 (c) "Department" means the department of state police.

22 (d) "Institution of higher education" means 1 or more of the
23 following:

24 (i) A public or private community college, college, or
25 university.

26 (ii) A public or private trade, vocational, or occupational
27 school.

1 (e) "Local law enforcement agency" means the police department
2 of a municipality.

3 (f) "Minor" means a person who is under 18 years of age.

4 (g) "Municipality" means a city, village, or township of this
5 state.

6 (h) "Registering authority" means the local law enforcement
7 agency or sheriff's office having jurisdiction over the person's
8 residence, place of employment, or institution of higher learning,
9 or the nearest department post designated to receive or enter child
10 abuse offender registration information within a registration
11 jurisdiction.

12 (i) "Registration jurisdiction" means each of the 50 states,
13 the District of Columbia, the Commonwealth of Puerto Rico, Guam,
14 the Northern Mariana Islands, the United States Virgin Islands,
15 American Samoa, and the Indian tribes within the United States that
16 elect to function as a registration jurisdiction.

17 (j) "Residence", as used in this act, for registration and
18 voting purposes means the place where a person habitually sleeps,
19 keeps his or her personal effects, and has a regular place of
20 lodging. If a person has more than 1 residence, or if a person has
21 a residence separate from that of his or her spouse, the place
22 where the person resides the greater part of the time is his or her
23 official residence for the purposes of this act. If a person is
24 homeless or otherwise lacks a fixed or temporary residence,
25 residence means the village, city, or township where the person
26 spends a majority of his or her time. This section must not be
27 construed to affect existing judicial interpretation of the term

1 residence.

2 (k) "Student" means a person enrolled on a full- or part-time
3 basis in a public or private educational institution, including,
4 but not limited to, a secondary school, trade school, professional
5 institution, or institution of higher education.

6 Sec. 3. (1) Subject to subsection (2), the following persons
7 who are domiciled or temporarily reside in this state or who work
8 with or without compensation or are students in this state, or who
9 are domiciled, reside, or work with or without compensation or are
10 students in this state for 30 or more total days in a calendar year
11 are required to be registered under this act:

12 (a) A person who is convicted of a child abuse offense after
13 January 1, 2018.

14 (b) A person convicted of a child abuse offense on or before
15 January 1, 2018 if on January 1, 2018 he or she is on probation or
16 parole, committed to jail, committed to the jurisdiction of the
17 department of corrections, or is placed on probation or parole,
18 committed to jail, or committed to the jurisdiction of the
19 department of corrections after January 1, 2018 for that offense.

20 (c) A person convicted of a child abuse offense on or before
21 January 1, 2018 if on January 1, 2018 he or she is on probation or
22 parole that has been transferred to this state for that offense or
23 his or her probation or parole is transferred to this state after
24 January 1, 2018 for that offense.

25 (d) A person from another state who is required to register or
26 otherwise be identified as a child abuse offender under a
27 comparable statute of that state.

1 (2) A person who is a nonresident and who is convicted in this
2 state on or after January 1, 2018 of committing a child abuse
3 offense who is not otherwise described in subsection (1) shall
4 nevertheless register under this act. However, the continued
5 reporting requirements of this act do not apply to the person while
6 he or she remains a nonresident and is not otherwise required to
7 report under this act. However, the person shall have his or her
8 photograph taken under section 7.

9 Sec. 4. (1) Registration of a person under this act must
10 proceed as provided in this section.

11 (2) For a person convicted of a child abuse offense on or
12 before January 1, 2018 who on or before January 1, 2018 is
13 sentenced for that offense, the following must register the person
14 by December 31, 2018:

15 (a) If the person is on probation for the child abuse offense,
16 the person's probation officer.

17 (b) If the person is committed to jail for the child abuse
18 offense, the sheriff or his or her designee.

19 (c) If the person is under the jurisdiction of the department
20 of corrections for the child abuse offense, the department of
21 corrections.

22 (d) If the person is on parole for the child abuse offense,
23 the person's parole officer.

24 (3) If a person is convicted of a child abuse offense on or
25 before January 1, 2018 and the person's probation or parole is
26 transferred to this state after January 1, 2018, the probation or
27 parole agent shall register the person immediately after the

1 transfer.

2 (4) All of the following shall register with the local law
3 enforcement agency, sheriff's department, or the department
4 immediately after becoming domiciled or temporarily residing,
5 working, or being a student in this state:

6 (a) Subject to section 3, a person convicted of a child abuse
7 offense in another state or country after January 1, 2018.

8 (b) A person required to be registered as a child abuse
9 offender in another state or country regardless of when the
10 conviction was entered.

11 (5) If a prosecution is pending on January 1, 2018, whether
12 the defendant in a criminal case is required to register under this
13 act shall be determined on the basis of the law in effect on
14 January 1, 2018.

15 Sec. 5. (1) A person required to be registered under this act
16 and who is not a resident of this state shall report his or her
17 status in person to the registering authority having jurisdiction
18 over a campus of an institution of higher education if either of
19 the following occurs:

20 (a) A person is or enrolls as a student with that institution
21 of higher education or the person discontinues that enrollment.

22 (b) As part of his or her course of studies at an institution
23 of higher education in this state, the person is present at any
24 other location in this state, another state, a territory or
25 possession of the United States, or the person discontinues his or
26 her studies at that location.

27 (2) A person required to be registered under this act who is a

1 resident of this state shall report his or her status in person to
2 the registering authority having jurisdiction where his or her new
3 residence or domicile is located if any of the events described
4 under subsection (1) occur.

5 (3) The report required under subsections (1) and (2) must be
6 made immediately after he or she enrolls or discontinues his or her
7 enrollment as a student on that campus including study in this
8 state or another state, a territory or possession of the United
9 States, or another country.

10 (4) The additional registration reports required under this
11 section must be made in the time periods described in section 7 for
12 reports under that section.

13 (5) The local law enforcement agency, sheriff's department, or
14 department post to which a person reports under this section shall
15 require the person to pay the registration fee required under
16 section 7(6) or section 11(1) and to present written documentation
17 of employment status, contractual relationship, volunteer status,
18 or student status. Written documentation under this subsection may
19 include, but need not be limited to, any of the following:

20 (a) A W-2 form, pay stub, or written statement by an employer.

21 (b) A contract.

22 (c) A student identification card or student transcript.

23 (6) This section does not apply to a person whose enrollment
24 and participation at an institution of higher education is solely
25 through the mail or the Internet from a remote location.

26 Sec. 6. (1) A person required to be registered under this act
27 and who is a resident of this state shall report in person and

1 notify the registering authority having jurisdiction where his or
2 her residence or domicile is located immediately after any of the
3 following occur:

4 (a) The person changes or vacates his or her residence or
5 domicile.

6 (b) The person changes his or her place of employment, or
7 employment is discontinued.

8 (c) The person enrolls as a student with an institution of
9 higher education, or enrollment is discontinued.

10 (d) The person changes his or her name.

11 (e) The person intends to temporarily reside at any place
12 other than his or her residence for more than 7 days.

13 (f) The person establishes any electronic mail or instant
14 message address, or any other designations used in Internet
15 communications or postings.

16 (g) Any change required to be reported under section 5.

17 (2) A person required to be registered under this act who is
18 not a resident of this state but has his or her place of employment
19 in this state shall report in person and notify the registering
20 authority having jurisdiction where his or her place of employment
21 is located or the department post of the person's place of
22 employment immediately after the person changes his or her place of
23 employment or employment is discontinued.

24 (3) If a person who is incarcerated in a state correctional
25 facility and is required to be registered under this act is granted
26 parole or is due to be released upon completion of his or her
27 maximum sentence, the department of corrections, before releasing

1 the person, shall provide notice of the location of the person's
2 proposed place of residence or domicile to the department of state
3 police.

4 (4) If a person who is incarcerated in a county jail and is
5 required to be registered under this act is due to be released from
6 custody, the sheriff's department, before releasing the person,
7 shall provide notice of the location of the person's proposed place
8 of residence or domicile to the department of state police.

9 (5) Immediately after either of the following occurs, the
10 department of corrections shall notify the local law enforcement
11 agency or sheriff's department having jurisdiction over the area to
12 which the person is transferred or the department post of the
13 transferred residence or domicile of a person required to be
14 registered under this act:

15 (a) The person is transferred to a community residential
16 program.

17 (b) The person is transferred into a level 1 correctional
18 facility of any kind, including a correctional camp or work camp.

19 (6) A person required to be registered under this act who is a
20 resident of this state shall report in person and notify the
21 registering authority having jurisdiction where his or her
22 residence or domicile is located immediately before he or she
23 changes his or her domicile or residence to another state. The
24 person shall indicate the new state and, if known, the new address.
25 The department shall update the registration and compilation
26 databases and promptly notify the appropriate law enforcement
27 agency and any applicable registration authority in the new state.

1 (7) A person required to be registered under this act who is a
2 resident of this state shall report in person and notify the
3 registering authority having jurisdiction where his or her
4 residence or domicile is located not later than 21 days before he
5 or she changes his or her domicile or residence to another country
6 or travels to another country for more than 7 days. The person
7 shall state the new country of residence or country of travel and
8 the address of his or her new domicile or residence or place of
9 stay, if known. The department shall update the registration and
10 compilation databases created and maintained under the child abuse
11 offenders registry and promptly notify the appropriate law
12 enforcement agency and any applicable child abuse offender
13 registration authority.

14 (8) If the probation or parole of a person required to be
15 registered under this act is transferred to another state or a
16 person required to be registered under this act is transferred from
17 a state correctional facility to any correctional facility or
18 probation or parole in another state, the department of corrections
19 shall promptly notify the department and the appropriate law
20 enforcement agency and any applicable registration authority in the
21 new state. The department shall update the registration and
22 compilation databases.

23 (9) A person registered under this act shall comply with the
24 verification procedures and proof of residence procedures
25 prescribed in sections 5 and 7.

26 (10) A person required to register under this act shall comply
27 with this section for 10 years, except that a person convicted of

1 fourth-degree child abuse shall comply with this section for 5
2 years.

3 (11) The registration periods under this section exclude any
4 period of incarceration for committing a crime and any period of
5 civil commitment.

6 Sec. 7. (1) The department shall mail a notice to each person
7 registered under this act who is not in a state correctional
8 facility explaining the person's duties under this act.

9 (2) Upon the release of a person registered under this act who
10 is in a state correctional facility, the department of corrections
11 shall provide written notice to that person explaining his or her
12 duties under this section and the procedure for registration,
13 notification, and verification and payment of the registration fee
14 prescribed under subsection (6) or section 11(1). The person shall
15 sign and date the notice. The department of corrections shall
16 maintain a copy of the signed and dated notice in the person's
17 file. The department of corrections shall forward the original
18 notice to the department immediately, regardless of whether the
19 person signs it.

20 (3) Subject to subsection (4), a person required to be
21 registered under this act who is not incarcerated shall report in
22 person to the registering authority where the person is domiciled
23 or resides for verification of domicile or residence as follows:

24 (a) If the person was convicted of a child abuse offense that
25 is a misdemeanor, the person shall report once each year during the
26 person's month of birth.

27 (b) If the person was convicted of a child abuse offense that

1 is a felony, the person shall report 4 times each year according to
2 the following schedule:

3 Birth Month	Reporting Months
4 January	January, April, July, and October
5 February	February, May, August, and November
6 March	March, June, September, and December
7 April	April, July, October, and January
8 May	May, August, November, and February
9 June	June, September, December, and March
10 July	July, October, January, and April
11 August	August, November, February, and May
12 September	September, December, March, and June
13 October	October, January, April, and July
14 November	November, February, May, and August
15 December	December, March, June, and September

16 (4) A report under subsection (3) must be made no earlier than
17 the first day or later than the last day of the month in which the
18 person is required to report. However, if the registration period
19 for that person expires during the month in which he or she is
20 required to report under this section, the person shall report
21 during that month on or before the date his or her registration
22 period expires. When a person reports under subsection (3), the
23 person shall review all registration information for accuracy.

24 (5) When a person reports under subsection (3), an officer or
25 authorized employee of the registering authority shall verify the
26 person's residence or domicile and any information required to be

1 reported under section 5. The officer or authorized employee shall
2 also determine whether the person's photograph required under
3 subsection (8) matches the appearance of the person sufficiently to
4 properly identify him or her from that photograph. If not, the
5 officer or authorized employee shall require the person to
6 immediately obtain a current photograph under this section. When
7 all of the verification information has been provided, the officer
8 or authorized employee shall review that information with the
9 person and make any corrections, additions, or deletions the
10 officer or authorized employee determines are necessary based on
11 the review. The officer or authorized employee shall sign and date
12 a verification receipt. The officer or authorized employee shall
13 give a copy of the signed receipt showing the date of verification
14 to the person. The officer or authorized employee shall forward
15 verification information to the department in the manner the
16 department prescribes. The department shall revise the law
17 enforcement database and public internet website maintained under
18 the child abuse offenders registry act as necessary and shall
19 indicate verification in the public internet website maintained
20 under that act.

21 (6) Except as otherwise provided in section 8, a person who
22 reports as prescribed under subsection (3) shall pay a \$50.00
23 registration fee as follows:

24 (a) Upon initial registration.

25 (b) Annually following the year of initial registration. The
26 payment of the registration fee under this subdivision must be made
27 at the time the person reports in the first reporting month for

1 that person as set forth in subsection (3) of each year in which
2 the fee applies, unless a person elects to prepay an annual
3 registration fee for any future year for which an annual
4 registration fee is required. Prepaying any annual registration fee
5 does not change or alter the requirement of a person to report as
6 set forth in subsection (3). The registration fee required to be
7 paid under this subdivision must not be prorated on grounds that
8 the person will complete his or her registration period after the
9 month in which the fee is due.

10 (c) The sum of the amounts required to be paid under
11 subdivisions (a) and (b) must not exceed \$385.00.

12 (7) A person required to be registered under this act shall
13 maintain either a valid operator's or chauffeur's license issued
14 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923,
15 or an official state personal identification card issued under 1972
16 PA 222, MCL 28.291 to 28.300, with the person's current address.
17 The license or card may be used as proof of domicile or residence
18 under this section. In addition, the officer or authorized employee
19 may require the person to produce another document bearing his or
20 her name and address, including, but not limited to, voter
21 registration or a utility or other bill. The department may specify
22 other satisfactory proof of domicile or residence.

23 (8) A person registered under this act who is incarcerated
24 shall report to the secretary of state under this subsection
25 immediately after he or she is released to have his or her
26 digitalized photograph taken. The person is not required to report
27 under this subsection if the person had a digitized photograph

1 taken for an operator's or chauffeur's license or official state
2 personal identification card before January 1, 2018, or within 2
3 years before he or she is released unless his or her appearance has
4 changed from the date of that photograph. Unless the person is a
5 nonresident, the photograph must be used on the person's operator's
6 or chauffeur's license or official state personal identification
7 card. The person shall have a new photograph taken when the person
8 renews the license or identification card as provided by law, or as
9 otherwise provided in this act. The secretary of state shall make
10 the digitized photograph available to the department for a
11 registration under this act.

12 (9) If a person does not report under this section or under
13 section 5, the department shall notify all registering authorities
14 as provided in the child abuse offenders registry act and initiate
15 enforcement action as set forth in that act.

16 (10) The department shall prescribe the form for the notices
17 and verification procedures required under this section or under
18 the child abuse offenders registry act.

19 Sec. 8. (1) Of the money collected by a court, local law
20 enforcement agency, sheriff's department, or department post from
21 each registration fee prescribed under this act, \$35.00 must be
22 forwarded to the department, which shall deposit the money in the
23 child abuse offenders registration fund created under subsection
24 (2), and \$15.00 must be retained by the court, local law
25 enforcement agency, sheriff's department, or department post.

26 (2) The child abuse offenders registration fund is created as
27 a separate fund in the department of treasury. The state treasurer

1 shall credit the money received from the payment of the
2 registration fee prescribed under this act to the child abuse
3 offenders registration fund. Money credited to the fund must only
4 be used by the department for training concerning, and the
5 maintenance and automation of, the law enforcement database, public
6 internet website, and information required under the child abuse
7 offenders registry act, or notification and offender registration
8 duties under section 5. Money in the child abuse offenders
9 registration fund at the close of the fiscal year must remain in
10 the fund and must not lapse to the general fund.

11 (3) If a person required to pay a registration fee under this
12 act is indigent, the registration fee must be waived for a period
13 of 90 days. The burden is on the person claiming indigence to prove
14 the fact of indigence to the satisfaction of the local law
15 enforcement agency, sheriff's department, or department post where
16 the person is reporting.

17 (4) Payment of the registration fee prescribed under this act
18 must be made in the form and by means prescribed by the department.
19 Upon payment of the registration fee prescribed under this act, the
20 officer or employee shall forward verification of the payment to
21 the department in the manner the department prescribes. The
22 department shall revise the law enforcement database and public
23 internet website maintained under the child abuse offenders
24 registry act as necessary and shall indicate verification of
25 payment in the compilation under that act.

26 Sec. 9. The department of corrections shall not collect any
27 fee prescribed under this act.

1 Sec. 10. (1) The officer, court, or agency registering a
2 person or receiving or accepting a registration under section 4 or
3 receiving notice under section 6 shall provide the person with a
4 copy of the registration or notification at the time of
5 registration or notice.

6 (2) The officer, court, or agency registering a person or
7 receiving or accepting a registration under section 4 or notified
8 of an address change under section 6(1) shall forward the
9 registration or notification to the department in a manner
10 described by the department immediately after registration or
11 notification.

12 Sec. 11. (1) Registration information obtained under this act
13 must be forwarded to the department in the format the department
14 prescribes. Except as provided in section 8(3), a \$50.00
15 registration fee must accompany each original registration. All of
16 the following information must be obtained or otherwise provided
17 for registration purposes:

18 (a) The person's legal name and any aliases, nicknames, ethnic
19 or tribal names, or other names by which the person is or has been
20 known. A person who is in a witness protection and relocation
21 program is only required to use the name and identifying
22 information reflecting his or her new identity in a registration
23 under this act. The registration and compilation databases created
24 and maintained under the child abuse offenders registry act must
25 not contain any information identifying the person's prior identity
26 or locale.

27 (b) The person's social security number and any social

1 security numbers or alleged social security numbers previously used
2 by the person.

3 (c) The person's date of birth and any alleged dates of birth
4 previously used by the person.

5 (d) The address where the person resides or will reside. If
6 the person does not have a residential address, information under
7 this subsection must identify the location or area used or to be
8 used by the person in lieu of a residence or, if the person is
9 homeless, the village, city, or township where the person spends or
10 will spend the majority of his or her time.

11 (e) The name and address of any place of temporary lodging
12 used or to be used by the person during any period in which the
13 person is away, or is expected to be away, from his or her
14 residence for more than 7 days. Information under this subdivision
15 must include the dates the lodging is used or to be used.

16 (f) The name and address of each of the person's employers.
17 For purposes of this subdivision, "employer" includes a contractor
18 and any person who has agreed to hire or contract with the person
19 for his or her services. Information under this subdivision must
20 include the address or location of employment if different from the
21 address of the employer. If the person lacks a fixed employment
22 location, the information obtained under this subdivision must
23 include the general areas where the person works.

24 (g) The name and address of any school being attended by the
25 person and any school that has accepted the person as a student
26 that he or she plans to attend. For purposes of this subdivision,
27 "school" means a public or private postsecondary school or school

1 of higher education, including a trade school.

2 (h) All telephone numbers registered to the person or
3 routinely used by the person.

4 (i) The person's driver license number or state personal
5 identification card number.

6 (j) A digital copy of the person's passport and other
7 immigration documents.

8 (k) The person's occupational and professional licensing
9 information, including any license that authorizes the person to
10 engage in any occupation, profession, trade, or business.

11 (l) A brief summary of the person's convictions for child
12 abuse offenses regardless of when the conviction occurred,
13 including where the offense occurred and the original charge if the
14 conviction was for a lesser offense.

15 (m) A complete physical description of the person.

16 (n) The photograph required under section 7.

17 (o) The person's fingerprints if not already on file with the
18 department and the person's palm prints. A person required to be
19 registered under this act shall have his or her fingerprints or
20 palm prints or both taken not later than September 1, 2018 if his
21 or her fingerprints or palm prints are not already on file with the
22 department. The department shall forward a copy of the person's
23 fingerprints and palm prints to the Federal Bureau of Investigation
24 if not already on file with that bureau.

25 (p) Information that is required to be reported under section
26 5.

27 (2) A registration must contain all of the following:

1 (a) An electronic copy of the person's Michigan driver license
2 or Michigan personal identification card, including the photograph
3 required under this act.

4 (b) The text of the provision of law that defines the child
5 abuse offense for which the person is registered.

6 (c) Any outstanding arrest warrant information.

7 (d) An identifier that indicates whether a DNA sample has been
8 collected and any resulting DNA profile has been entered into the
9 federal Combined DNA Index System (CODIS).

10 (e) The person's complete criminal history record, including
11 the dates of all arrests and convictions.

12 (f) The person's Michigan department of corrections number and
13 status of parole, probation, or supervised release.

14 (g) The person's Federal Bureau of Investigation number.

15 (3) The form used for notification of duties under this act
16 must contain a written statement that explains the duty of the
17 person being registered to provide notice of changes in his or her
18 registration information, the procedures for providing that notice,
19 and the verification procedures under section 7.

20 (4) The person shall sign a registration and notice. However,
21 the registration and notice must be forwarded to the department
22 regardless of whether the person signs it or pays the registration
23 fee required under subsection (1).

24 (5) The officer, court, or an employee of the agency
25 registering the person or receiving or accepting a registration
26 under section 4 shall sign the registration form.

27 (6) A person shall not knowingly provide false or misleading

1 information concerning a registration, notice, or verification.

2 (7) The department shall prescribe the form for a notification
3 required under section 6 and the format for forwarding the
4 notification to the department.

5 (8) The department shall promptly provide registration,
6 notice, and verification information to the Federal Bureau of
7 Investigation and to local law enforcement agencies, sheriff's
8 departments, department posts, and other registering jurisdictions,
9 as provided by law.

10 Sec. 12. (1) Except as provided in subsections (2), (3), and
11 (4), a person required to be registered under this act who
12 willfully violates this act is guilty of a felony punishable as
13 follows:

14 (a) If the person has no prior convictions for a violation of
15 this act, by imprisonment for not more than 4 years or a fine of
16 not more than \$2,000.00, or both.

17 (b) If the person has 1 prior conviction for a violation of
18 this act, by imprisonment for not more than 7 years or a fine of
19 not more than \$5,000.00, or both.

20 (c) If the person has 2 or more prior convictions for
21 violations of this act, by imprisonment for not more than 10 years
22 or a fine of not more than \$10,000.00, or both.

23 (2) A person who fails to comply with section 7, other than
24 payment of the fee required under section 7(6), is guilty of a
25 misdemeanor punishable by imprisonment for not more than 2 years or
26 a fine of not more than \$2,000.00, or both.

27 (3) A person who willfully fails to sign a registration and

1 notice as provided in section 11(4) is guilty of a misdemeanor
2 punishable by imprisonment for not more than 93 days or a fine of
3 not more than \$1,000.00, or both.

4 (4) A person who willfully refuses or fails to pay the
5 registration fee prescribed in section 7(6) or section 11(1) within
6 90 days of the date the person reports under section 5 or 7 is
7 guilty of a misdemeanor punishable by imprisonment for not more
8 than 90 days.

9 (5) The court shall revoke the probation of a person placed on
10 probation who willfully violates this act.

11 (6) The parole board shall rescind the parole of a person
12 released on parole who willfully violates this act.

13 (7) A person's failure to register as required by this act or
14 a violation of section 6 may be prosecuted in the judicial district
15 of any of the following:

16 (a) The person's last registered address or residence.

17 (b) The person's actual address or residence.

18 (c) Where the person was arrested for the violation.

19 Sec. 13. (1) Except as provided in this act, a registration or
20 report is confidential and information from that registration or
21 report shall not be open to inspection except for law enforcement
22 purposes. The registration or report and all included materials and
23 information are exempt from disclosure under section 13 of the
24 freedom of information act, 1976 PA 442, MCL 15.243.

25 (2) Except as provided in this act, a person other than the
26 registrant who knows of a registration or report under this act and
27 who divulges, uses, or publishes nonpublic information concerning

1 the registration or report in violation of this act is guilty of a
2 misdemeanor punishable by imprisonment for not more than 93 days or
3 a fine of not more than \$1,000.00, or both.

4 (3) A person whose registration or report is revealed in
5 violation of this act has a civil cause of action against the
6 responsible party for treble damages.

7 Enacting section 1. This act takes effect 90 days after the
8 date it is enacted into law.

9 Enacting section 2. This act does not take effect unless
10 Senate Bill No. 261 of
11 the 99th Legislature is enacted into law.