

SENATE BILL No. 1206

March 4, 2010, Introduced by Senators KAHN, HARDIMAN and RICHARDVILLE and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2 and 4a (MCL 28.722 and 28.724a), section 2 as amended by 2005 PA 301 and section 4a as amended by 2004 PA 237, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Convicted" means 1 of the following:

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

8 (ii) Either of the following:

1 (A) Being assigned to youthful trainee status under sections
2 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
3 175, MCL 762.11 to 762.15, before October 1, 2004.

4 (B) Being assigned to youthful trainee status under sections
5 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
6 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
7 individual's status of youthful trainee is revoked and an
8 adjudication of guilt is entered.

9 (iii) Having an order of disposition entered under section 18 of
10 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
11 that is open to the general public under section 28 of chapter XIIA
12 of the probate code of 1939, 1939 PA 288, MCL 712A.28.

13 (iv) Having an order of disposition or other adjudication in a
14 juvenile matter in another state or country.

15 (b) "Department" means the department of state police.

16 (c) "Institution of higher education" means 1 or more of the
17 following:

18 (i) A public or private community college, college, or
19 university.

20 (ii) A public or private trade, vocational, or occupational
21 school.

22 (d) "Local law enforcement agency" means the police department
23 of a municipality.

24 (e) "Listed offense" means any of the following:

25 (i) A violation of section 145a, 145b, or 145c of the Michigan
26 penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c.

27 (ii) A violation of section 158 of the Michigan penal code,

1 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
2 years of age.

3 (iii) A violation of section 335a(2)(b) of the Michigan penal
4 code, 1931 PA 328, MCL 750.335a, if that individual was previously
5 convicted of violating section 335a of that act.

6 (iv) A third or subsequent violation of any combination of the
7 following:

8 (A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328,
9 MCL 750.167.

10 (B) Section 335a(2)(a) of the Michigan penal code, 1931 PA
11 328, MCL 750.335a.

12 (C) A local ordinance of a municipality substantially
13 corresponding to a section described in sub-subparagraph (A) or
14 (B).

15 (v) Except for a juvenile disposition or adjudication, a
16 violation of section 338, 338a, or 338b of the Michigan penal code,
17 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
18 individual less than 18 years of age.

19 (vi) A violation of section 349 of the Michigan penal code,
20 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
21 years of age.

22 (vii) A violation of section 350 of the Michigan penal code,
23 1931 PA 328, MCL 750.350.

24 (viii) A violation of section 448 of the Michigan penal code,
25 1931 PA 328, MCL 750.448, if a victim is an individual less than 18
26 years of age.

27 (ix) A violation of section 455 of the Michigan penal code,

1 1931 PA 328, MCL 750.455.

2 (x) A violation of section 520b, 520c, 520d, 520e, or 520g of
3 the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
4 750.520d, 750.520e, and 750.520g.

5 (xi) Any other violation of a law of this state or a local
6 ordinance of a municipality that by its nature constitutes a sexual
7 offense against an individual who is less than 18 years of age.

8 (xii) An offense committed by a person who was, at the time of
9 the offense, a sexually delinquent person as defined in section 10a
10 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

11 (xiii) An attempt or conspiracy to commit an offense described
12 in subparagraphs (i) to (xii).

13 (xiv) An offense substantially similar to an offense described
14 in subparagraphs (i) to (xiii) under a law of the United States, any
15 state, or any country or under tribal or military law.

16 (f) "Municipality" means a city, village, or township of this
17 state.

18 (g) "Residence" ~~, as used in this act, for registration and~~
19 ~~voting purposes~~ means, **EXCEPT AS PROVIDED IN SECTION 2A**, that place
20 at which a person habitually sleeps, keeps his or her personal
21 effects, and has a regular place of lodging. If a person has more
22 than 1 residence, or if a wife has a residence separate from that
23 of the husband, that place at which the person resides the greater
24 part of the time shall be his or her official residence for the
25 purposes of this act. This section shall not be construed to affect
26 existing judicial interpretation of the term residence.

27 (h) "Student" means an individual enrolled on a full- or part-

1 time basis in a public or private educational institution,
2 including, but not limited to, a secondary school, trade school,
3 professional institution, or institution of higher education.

4 SEC. 2A. (1) IF AN INDIVIDUAL IS REQUIRED TO BE REGISTERED
5 UNDER THIS ACT BUT DOES NOT HAVE A RESIDENCE AS DEFINED IN SECTION
6 2(G), THE INDIVIDUAL'S RESIDENCE FOR PURPOSES OF THIS ACT IS AS
7 FOLLOWS:

8 (A) IF THE INDIVIDUAL IS PRESENT IN A CITY OR VILLAGE HAVING
9 AN ORGANIZED POLICE DEPARTMENT FOR A MAJORITY OF HIS OR HER TIME
10 WITHIN A 30-DAY PERIOD, THAT CITY OR VILLAGE IS CONSIDERED TO BE
11 HIS OR HER RESIDENCE.

12 (B) UNLESS SUBDIVISION (A) APPLIES, IF THE INDIVIDUAL IS
13 PRESENT IN A TOWNSHIP HAVING AN ORGANIZED POLICE DEPARTMENT FOR A
14 MAJORITY OF HIS OR HER TIME WITHIN A 30-DAY PERIOD, THAT TOWNSHIP
15 IS CONSIDERED TO BE HIS OR HER RESIDENCE.

16 (C) UNLESS SUBDIVISION (A) OR (B) APPLIES, IF THE INDIVIDUAL
17 IS PRESENT IN A COUNTY FOR A MAJORITY OF HIS OR HER TIME WITHIN A
18 30-DAY PERIOD, THAT COUNTY IS CONSIDERED TO BE HIS OR HER
19 RESIDENCE.

20 (2) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) SHALL REPORT TO
21 THE POLICE DEPARTMENT OR SHERIFF'S DEPARTMENT HAVING JURISDICTION
22 WITHIN THE CITY, VILLAGE, TOWNSHIP, OR COUNTY DESCRIBED IN
23 SUBSECTION (1) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SECTION AND REGISTER AS A RESIDENT
25 WITHIN THAT CITY, VILLAGE, TOWNSHIP, OR COUNTY.

26 (3) A PERSON REGISTERED UNDER SUBSECTION (2) SHALL REPORT TO
27 THE POLICE DEPARTMENT OR SHERIFF'S DEPARTMENT DESCRIBED IN

1 SUBSECTION (1) ON THE FIRST OF EACH MONTH FOLLOWING THE MONTH OF
2 HIS OR HER REGISTRATION UNDER SUBSECTION (2). THE REPORTING
3 REQUIREMENTS OF SECTION 5A(4) DO NOT APPLY TO A PERSON WHO IS
4 REQUIRED TO REPORT UNDER THIS SUBSECTION.

5 (4) WHEN AN INDIVIDUAL REPORTS UNDER SUBSECTION (2) OR (3), AN
6 OFFICER OR AUTHORIZED EMPLOYEE OF THE LOCAL LAW ENFORCEMENT AGENCY
7 OR SHERIFF'S DEPARTMENT SHALL VERIFY THE INDIVIDUAL'S LACK OF
8 RESIDENCE AND ANY INFORMATION REQUIRED TO BE REPORTED UNDER SECTION
9 4A. THE OFFICER OR AUTHORIZED EMPLOYEE SHALL NOTE THAT THE
10 INDIVIDUAL IS REGISTERING AS PROVIDED IN THIS SECTION AND SHALL
11 SIGN AND DATE A VERIFICATION FORM. THE OFFICER SHALL GIVE A COPY OF
12 THE SIGNED FORM SHOWING THE DATE OF VERIFICATION TO THE PERSON. THE
13 OFFICER OR EMPLOYEE SHALL FORWARD VERIFICATION INFORMATION TO THE
14 DEPARTMENT BY THE LAW ENFORCEMENT INFORMATION NETWORK IN THE MANNER
15 THE DEPARTMENT PRESCRIBES. THE DEPARTMENT SHALL REVISE THE
16 DATABASES MAINTAINED UNDER SECTION 8 AS NECESSARY AND SHALL
17 INDICATE VERIFICATION IN THE COMPILATION UNDER SECTION 8(2). THE
18 DEPARTMENT SHALL ALSO NOTE IN THE COMPILATION THAT THE PERSON DOES
19 NOT HAVE A FIXED RESIDENCE BUT IS REGISTERED AS A RESIDENT OF THE
20 CITY, VILLAGE, TOWNSHIP, OR COUNTY DESCRIBED IN SUBSECTION (2).

21 (5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 5B, BEGINNING ON
22 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
23 AN INDIVIDUAL WHO REPORTS AS PRESCRIBED UNDER SUBSECTION (2) OR (3)
24 AND WHO HAS NOT ALREADY PAID THE FEE PRESCRIBED UNDER SECTION 7(1)
25 SHALL PAY A \$35.00 REGISTRATION FEE. AN INDIVIDUAL SHALL ONLY BE
26 REQUIRED TO PAY A FEE ONCE UNDER THIS SUBSECTION.

27 (6) IF AN INDIVIDUAL DOES NOT REPORT UNDER SUBSECTION (2) OR

1 (3) OR SECTION 4A, THE DEPARTMENT SHALL NOTIFY THE LOCAL LAW
2 ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT. AN APPEARANCE TICKET
3 MAY BE ISSUED FOR THE INDIVIDUAL'S FAILURE TO REPORT AS PROVIDED IN
4 SECTIONS 9A TO 9G OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE,
5 1927 PA 175, MCL 764.9A TO 764.9G.

6 (7) THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR THE NOTICES
7 AND VERIFICATION PROCEDURES REQUIRED UNDER THIS SECTION.

8 (8) THE DESIGNATION OF A RESIDENCE UNDER THIS SECTION DOES NOT
9 APPLY FOR PURPOSES OF ESTABLISHING A VIOLATION OF THE PROHIBITION
10 AGAINST RESIDING WITHIN A STUDENT SAFETY ZONE UNDER SECTION 35(1),
11 BUT DOES APPLY TO THE PROHIBITION AGAINST INITIATING OR MAINTAINING
12 CONTACT WITH A MINOR WITHIN THAT STUDENT SAFETY ZONE.

13 Sec. 4a. (1) An individual required to be registered under
14 this act who is not a resident of this state shall report his or
15 her status in person to the local law enforcement agency or
16 sheriff's department having jurisdiction over a campus of an
17 institution of higher education, or to the department post nearest
18 to that campus, if any of the following occur:

19 (a) Regardless of whether he or she is financially compensated
20 or receives any governmental or educational benefit, the individual
21 is or becomes a full- or part-time employee, contractual provider,
22 or volunteer with that institution of higher education and his or
23 her position will require that he or she be present on that campus
24 for 14 or more consecutive days or 30 or more total days in a
25 calendar year.

26 (b) The individual is or becomes an employee of a contractual
27 provider described in subdivision (a) and his or her position will

1 require that he or she be present on that campus for 14 or more
2 consecutive days or 30 or more total days in a calendar year.

3 (c) The status described in subdivision (a) or (b) is
4 discontinued.

5 (d) The individual changes the campus on which he or she is an
6 employee, a contractual provider, an employee of a contractual
7 provider, or a volunteer as described in subdivision (a) or (b).

8 (e) The individual is or enrolls as a student with that
9 institution of higher education or the individual discontinues that
10 enrollment.

11 (f) As part of his or her course of studies at an institution
12 of higher education in this state, the individual is present at any
13 other location in this state, another state, a territory or
14 possession of the United States, or another country for 14 or more
15 consecutive days or 30 or more total days in a calendar year, or
16 the individual discontinues his or her studies at that location.

17 (2) An individual required to be registered under this act who
18 is a resident of this state shall report his or her status in
19 person to the local law enforcement agency or sheriff's department
20 having jurisdiction where his or her new residence or domicile is
21 located or the department post nearest to the individual's new
22 residence or domicile, if any of the events described under
23 subsection (1) occur.

24 (3) The report required under subsections (1) and (2) shall be
25 made as follows:

26 (a) For an individual registered under this act before October
27 1, 2002 who is required to make his or her first report under

1 subsections (1) and (2), not later than January 15, 2003.

2 (b) For an individual who is an employee, a contractual
3 provider, an employee of a contractual provider, or a volunteer on
4 that campus on October 1, 2002, or who is a student on that campus
5 on October 1, 2002, who is subsequently required to register under
6 this act, on the date he or she is required to register under this
7 act.

8 (c) Except as provided under subdivisions (a) and (b), within
9 10 days after the individual becomes an employee, a contractual
10 provider, an employee of a contractual provider, or a volunteer on
11 that campus, or discontinues that status, or changes location, or
12 within 10 days after he or she enrolls or discontinues his or her
13 enrollment as a student on that campus including study in this
14 state or another state, a territory or possession of the United
15 States, or another country.

16 (4) The additional registration reports required under this
17 section shall be made in the time periods described in section
18 5a(4)(a) and (b) for reports under that section.

19 (5) The local law enforcement agency, sheriff's department, or
20 department post to which an individual reports under this section
21 shall require the individual to pay the registration fee required
22 under section 5a or section 7(1) and to present written
23 documentation of employment status, contractual relationship,
24 volunteer status, or student status. Written documentation under
25 this subsection may include, but need not be limited to, any of the
26 following:

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

1 (b) A contract.

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

3 (6) **THIS SECTION APPLIES TO AN INDIVIDUAL DESCRIBED IN SECTION**
4 **2A ONLY TO THE EXTENT DESCRIBED IN SECTION 2A.**

5 Enacting section 1. This amendatory act does not take effect
6 unless all of the following bills of the 95th Legislature are
7 enacted into law:

8 (a) Senate Bill No. 1208.

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10 (b) Senate Bill No. 1207.

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12 (c) Senate Bill No. 1209.

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