

SEX OFFENDERS REGISTRATION ACT - Act 295 of 1994

MCL 28.721 Short title.

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

MCL 28.722 Definitions.

Sec. 2. As used in this act:

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

(i) Having a judgment of conviction or a probation order entered in a court having jurisdiction over criminal offenses, including a conviction subsequently set aside pursuant to Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws.

(ii) Being assigned to youthful trainee status pursuant to sections 11 to 15 of chapter II of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 762.11 to 762.15 of the Michigan Compiled Laws.

(iii) Having a disposition entered pursuant to section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, that is open to the general public pursuant to section 28 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.28 of the Michigan Compiled Laws.

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

(c) "**Local law enforcement agency**" means the police department of a municipality.

(d) "**Listed offense**" means any of the following:

(i) A violation of section 145a, 145b, or 145c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.145a, 750.145b, and 750.145c of the Michigan Compiled Laws.

(ii) A third or subsequent violation of any combination of the following:

(A) Section 167(1)(f) of Act No. 328 of the Public Acts of 1931, being section 750.167 of the Michigan Compiled Laws.

(B) Section 335a of Act No. 328 of the Public Acts of 1931, being section 750.335a of the Michigan Compiled Laws.

(C) A local ordinance substantially corresponding to a section described in sub-subparagraph (A) or (B).

(iii) A violation of section 455 of Act No. 328 of the Public Acts of 1931, being section 750.455 of the Michigan Compiled Laws.

(iv) A violation of section 520b, 520c, 520d, 520e, or 520g of Act No. 328 of the Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the Michigan Compiled Laws.

(v) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (iv).

(vi) An offense substantially similar to an offense described in subparagraphs (i) to (v) under a law of the

United States, any state, or any country.

(e) "**Municipality**" means a city, village, or township of this state.

(f) "**Unit**" means the department's investigative resources unit.

MCL 28.723 Individuals required to be registered.

Sec. 3. The following individuals who are domiciled or temporarily reside in this state for 14 days or more are required to be registered under this act:

(a) An individual who is convicted of a listed offense after October 1, 1995.

(b) An individual convicted of a listed offense on or before October 1, 1995 who on October 1, 1995 is on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, or under the jurisdiction of the juvenile division of the probate court or the department of social services for that offense or who is placed on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, or placed under the jurisdiction of the juvenile division of the probate court or the department of social services after October 1, 1995 for that offense.

(c) An individual convicted of an offense described in section 2(d)(vi) on or before October 1, 1995 who on October 1, 1995 is on probation or parole that has been transferred to this state for that offense or whose probation or parole is transferred to this state after October 1, 1995 for that offense.

MCL 28.724 Registration; procedures.

Sec. 4. (1) Registration of an individual under this act shall proceed as provided in this section.

(2) For an individual convicted of a listed offense on or before October 1, 1995 who on or before October 1, 1995 is sentenced for that offense, has a disposition entered for that offense, or is assigned to youthful trainee status for that offense, the following shall register the individual by December 31, 1995:

(a) If the individual is on probation for the listed offense, the individual's probation officer.

(b) If the individual is committed to jail for the listed offense, the sheriff or his or her designee.

(c) If the individual is under the jurisdiction of the department of corrections for the listed offense, the department of corrections.

(d) If the individual is on parole for the listed offense, the individual's parole officer.

(e) If the individual is within the jurisdiction of the juvenile division of the probate court or the department of social services pursuant to an order of disposition for the listed offense, the juvenile division of the probate court or the department of social services.

(3) For an individual convicted of a listed offense on or before October 1, 1995:

(a) If the individual is sentenced for that offense after October 1, 1995 or assigned to youthful trainee status after October 1, 1995, the probation officer shall register the individual before sentencing or assignment.

(b) If the individual's probation or parole is transferred to this state after October 1, 1995, the probation or parole officer shall register the individual within 14 days after the transfer.

(c) If the individual is placed within the jurisdiction of the juvenile division of the probate court or the

department of social services pursuant to an order of disposition entered after October 1, 1995, the juvenile division of the probate court shall register the individual before the order of disposition is entered.

(4) For an individual convicted of a listed offense in this state after October 1, 1995, the individual shall register before sentencing, entry of the order of disposition, or assignment to youthful trainee status. The probation officer or the juvenile division of the probate court shall give the individual the registration form after the individual is convicted, shall explain the duty to register, and shall accept the completed registration for processing pursuant to section 6.

(5) For an individual convicted of a listed offense in another state or country after October 1, 1995, the individual shall register with the local law enforcement agency, or the state police or the sheriff's department within 14 days after becoming domiciled or temporarily residing in this state.

MCL 28.725 Notice to law enforcement agency.

Sec. 5. (1) **Within 10 days after any of the following occur**, an individual required to be registered under this act shall notify the local law enforcement agency **in which his or her new address is located**, or the state police or the sheriff's department of the individual's new address:

- (a) The individual changes his or her address.
- (b) The individual is paroled.
- (c) Final release of the individual from the jurisdiction of the department of corrections.

(2) Within 10 days after either of the following occurs, the department of corrections shall notify the local law enforcement agency for the area to which the individual is transferred, or the state police or the sheriff's department of the transferred address of an individual required to be registered under this act:

- (a) The individual is transferred to a community residential program.
 - (b) The individual is transferred into a minimum custody correctional facility of any kind, including a correctional camp or work camp.
- (3) Except as provided in subsection (4), an individual shall comply with this section for 25 years after the date of initially registering.
- (4) An individual shall comply with this section for life if the individual is convicted of a second or subsequent listed offense after October 1, 1995 regardless of when the first listed offense was committed.

MCL 28.726 Providing or forwarding copy of registration or notification.

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

(2) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or notified of an address change under section 5(1) shall forward the registration or notification to the department by the law enforcement information network within 3 business days after registration or notification.

MCL 28.727 Registration form.

Sec. 7. (1) A registration under this act shall be made on a form provided by the department and shall be forwarded to the department in the format the department prescribes. A registration shall contain all of the

following:

(a) The individual's name, social security number, date of birth, and address or expected address. An individual registered under this act before the effective date of the 1996 amendatory act that amended this section shall provide the department with his or her date of birth upon the department's request.

(b) A brief summary of the individual's convictions for listed offenses, including where the offense occurred and the original charge if the conviction was for a lesser offense.

(c) A complete physical description of the individual.

(2) A registration may contain the following:

(a) The individual's blood type and whether a DNA identification profile of the individual is available.

(b) A recent photograph of the individual.

(3) The form used for registration under this act shall contain a written statement that explains the duty of the individual being registered to provide notice of a change of address under section 5 and the procedures for providing that notice.

(4) The individual may sign the registration or notice.

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

(6) An individual shall not knowingly provide false or misleading information concerning a registration or notice.

(7) The department shall prescribe the form for a notification required under section 5 and the format for forwarding the notification to the department.

MCL 28.728 Data base; compilation; availability.

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

(2) The department shall maintain a computerized data base separate from that described in subsection (1) to implement section 10(2) and (3). The data base shall consist of a compilation of individuals registered under this act, but shall not include any individual registered solely because he or she had 1 or more dispositions for a listed offense entered under section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, in a case that was not designated as a case in which the individual was to be tried in the same manner as an adult under section 2d of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2d of the Michigan Compiled Laws.

The compilation of individuals shall be indexed numerically by zip code area. Within each zip code area, the compilation shall contain the name and aliases, address, physical description, and birth date of each individual registered under this act who is included in the compilation and who resides in that zip code area and any listed offense of which the individual has been convicted. **The department shall update the compilation with new registrations, deletions from registrations, and address changes at the same time those changes are made to the data base described in subsection (1).**

The department shall make the compilation available to each department post, local law enforcement agency, and sheriff's department by the law enforcement information network. Upon request by a department post, local law enforcement agency, or sheriff's department, the department shall provide to that post, agency, or sheriff's

department the information from the compilation in printed form for the zip code areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction. As an alternative, the department may make the compilation or information from the compilation available to a department post, local law enforcement agency, or sheriff's department by electronic, computerized, or other means accessible to the post, agency, or sheriff's department.

(3) If a court determines that the public availability under section 10 of any information concerning individuals registered under this act, including names and aliases, addresses, physical descriptions, or dates of birth, violates the constitution of the United States or this state, the department shall revise the compilation in subsection (2) so that it does not contain that information.

MCL 28.729 Violation as felony; penalty.

Sec. 9. (1) An individual required to be registered under this act who willfully violates this act is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(2) The court shall revoke the probation of an individual placed on probation who willfully violates this act.

(3) The court shall revoke the youthful trainee status of an individual assigned to youthful trainee status who willfully violates this act.

(4) The parole board shall rescind the parole of an individual released on parole who willfully violates this act.

MCL 28.730 Confidentiality; exemption from disclosure; availability of information from compilation; violation as misdemeanor; penalty; civil cause of action; applicability of subsections (4) and (5) to compilation.

Sec. 10. (1) Except as provided in this act, a registration is confidential and shall not be open to inspection except for law enforcement purposes. The registration and all included materials and information are exempt from disclosure pursuant to section 13 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.243 of the Michigan Compiled Laws.

(2) A department post, local law enforcement agency, or sheriff's department shall make information from the compilation described in section 8(2) for the zip code areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction available for public inspection during regular business hours. A department post, local law enforcement agency, or sheriff's department is not required to make a copy of the information for a member of the public.

(3) The department may make information from the compilation described in section 8(2) available to the public through electronic, computerized, or other accessible means.

(4) Except as provided in this act, an individual other than the registrant who knows of a registration under this act and who divulges, uses, or publishes information concerning the registration in violation of this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(5) An individual whose registration is revealed in violation of this act has a civil cause of action against the responsible party for treble damages.

(6) Subsections (4) and (5) do not apply to the compilation described in section 8(2) or information from that compilation that is provided or made available under section 8(2) or under subsection (2) or (3).

MCL 28.731 Effective date.

Sec. 11. This act shall take effect October 1, 1995.