

Patti Tremblay-Pluta - SB 188 and SB 189 Testimony

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Subject: SB 188 and SB 189 Testimony

I am writing to submit the following as testimony for the House Judiciary Committee meeting that will be held on March 17, 2011 and address SB 188 and SB 189.

Public Website: I am pleased to see that the public website will not include anyone with a juvenile adjudication or Tier I offense. However, there is no provision to prevent adjudicated juveniles from being lifetime registrants. If a person has a juvenile CSC conviction, registration should be for a much shorter period of time, regardless of the Tier level. Not requiring juveniles to register would be preferable and keep recessed the mistakes of their youth.

Combining Other Felonies into Registration Requirements Requiring anyone previously convicted of an offense, but not required to register, to become a registered sex offender if convicted of any felony after 7/1/2011 will clog the registry. People should only be required to register if the crime committed is a sexual offense.

Petitioning: Refusing to grant a petition because of any felony convictions since date of conviction will result in continuing registration for people who may have not done anything illegal for a considerable amount of time. A more reasonable requirement would be no additional sexual offences since date of CSC charge, or no felony convictions within a 10 year period of petition. The registry should be for people who have committed sexual offenses and not include those who have made other inappropriate decisions in their lives. Everyone is capable of change and improvement and should be given equal opportunity for removal.

Registrant Information Changes: The requirement that changes be made "Immediately" leaves the time requirement open to interpretation. The legal definition for immediate is "as fast as (reasonably) possible when referring to time. Does not usually mean instantly", *Oran's Dictionary of Law*, Fourth Edition. Leaving time frames for making changes at the current 10-15 day period would be more reasonable and easy to understand as a required time frame.

Consideration must be given to the fact that police computers are frequently down and that can cause a non-compliance issue. There have been several registration periods when my son has had to make 2-3 trips to the state police post, 30 miles from our home, to register because of computer problems at the post. When police computer systems are not functioning, police departments should be required to provide verification that the registrant appeared within the required time frame and provide them with a receipt that the registration requirement has been completed without the registrant having to return. This is extremely important given the extensive list of information that registrants will now be required to update on a constant basis, requiring more trips to the police department. An alternative would be to allow updates to be made online between standard registration periods and provide a printable confirmation that the change was made.

Information Maintained by Law Enforcement: Many of the items to be made public could cause increased problems for the registrants obtaining and maintaining gainful employment. Requiring the addresses of employers, including any location they may do contract work, will likely affect the willingness of a business to hire a registrant, especially if this information is going to be publicly displayed. This could cause registrants currently employed to lose jobs and make it harder for registrants to obtain work. The goal should be to make these people employable, productive members of society, able to provide for themselves and their families.

Publicly displaying license plate information, registration number and description of any vehicles owned or operated by registrant can cause problems in several areas. If using company vehicles, the company may not be willing to provide this information or want it published. This public information could leave these vehicles

subject to vandalism when parked, especially if the location where the vehicle is normally stored is publicly displayed. This could also leave others who drive those vehicles subject to harassment by members of the public who are hostile towards offenders, endangering spouses, siblings, parents, and children of the offender.

Electronic Mail Addresses, Internet Logins, etc.: The requirement that offenders provide all electronic mail addresses, instant messaging addresses, all login names or other identifiers could result in offenders being accused of not providing information they know nothing about. It is very easy for someone to open a webpage, email address, login on any website, etc. in anyone's name without that person being aware of it. I know of two separate incidents where while offender were incarcerated and others opened Facebook accounts, opened email addresses, and posted under the incarcerated person's name. Even if not incarcerated, it is very easy for anyone to 'target' an offender by taking such action and causing an offender to be falsely accused of violating any of the requirements surrounding this provision.

International Travel: The provision that an offender notify "no later than 21 days before" they "travel to another country" is a requirement that is not feasible. When living near a border, such as Canada, a person does not necessarily plan a trip to the other country in advance. When only 20 minutes from another country it is easy to make last-minute decisions to travel for a special event, dinner or shopping, returning back to the home country within a few hours. This provision should be adjusted for extensive stays in a foreign country of 10 days or more.

Conclusion:

While I do not object to having a list for the most severe sexual offenders, I think Michigan needs to consider reducing its registry to only those who meet the requirements of the most severe sexual offenders. The proposed legislation has areas that create a confusing assortment of requirements and will cause the state to monitor offenders well beyond what is necessary. Here is an example: My son was arrested at age 14, but not adjudicated until age 15. He was found guilty of CSC Third detree and completed the sex-offender treatment program at W.J. Maxey. In the past five years he has never committed another sexual offense. Under the current law he is Private (non-public) registration, even after age 18. His registration is for 25 years. Under the proposed legislation he will remain on non-public registration, but will be required to register for life. Proposed legislation does not allow him to petition for removal because he has had other felonies since his conviction, even though they are not sexual offenses.

Everyone should have the opportunity to make changes in their lives and be eligible for removal from the registry. Keeping the registry current with recent sex offender convictions will make it more useful for the public.

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