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Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

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Senate Bill 669 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Senator Michael J. Bouchard

Committee: Families, Mental Health and Human Services

## **CONTENT**

The bill would amend the Sex Offenders Registration Act to change the name of the Act to the "Sex and Child Offenders Registration Act" and add to the list of offenses requiring registration kidnapping, if the victim were less than 18 years of age, and kidnapping a child under 14 years of age. The bill also would include in the list of offenses requiring registration an offense substantially similar to a listed offense that was a violation of tribal or military law.

The bill would revise the Act's requirements regarding duration of a registration requirement. Under the Act, a person required to register must do so for 25 years after the date of initially registering, but an individual must register for life if he or she was convicted of a second or subsequent listed offense after October 1, 1995 (the effective date of the original Act). Under the bill, a person would have to register for 25 years after the date of initially registering or, if he or she were in a State correctional facility, for 10 years after his or her release, whichever was longer. A person would have to register for life if he or she were convicted of a listed offense that was a felony or if he or she were convicted of a second or subsequent listed offense after October 1, 1995.

Beginning in March 1998, within the first 14 days of January, March, May, July, September, and November each year, a registered person who was not incarcerated would have to report in person to a local law enforcement agency, county sheriff's department, or State Police post and present proof of domicile or residence and update any information that changed since registration or the last bimonthly verification. Verification information would have to be entered into the Law Enforcement Information Network. The Department of State Police would have to revise the registration and compilation data bases. A registered person would have to maintain either a valid driver's license or official State identification card, with his or her current address. The license or card could be used for the person's domicile or residence verification. The officer or employee accepting a registered person's proof of domicile or residence could require the person to produce another document bearing his or her name and address, including a voter registration or utility or other bill. Sheriff's departments and local law enforcement agencies would be "encouraged" to verify addresses, check compliance, and report to the Department any errors or discrepancies in the registration or compilation.

If an individual did not report, the Department of State Police would have to investigate whether the person resided at the registered address and inform the appropriate law enforcement agency. If it were determined that the individual did not reside at the registered address, the Department would have to revise the registration and remove the address from the compilation. Failure to comply with the bill's address verification provisions would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500.

Currently, the Act's criminal penalties and civil remedies for the disclosure of information in the registry do not apply to the public compilation of registry information. The bill would add that a person would not have any other cause of action against another for disclosure of information from that compilation, unless the other person acted with gross negligence or in bad faith. Also, except

for duties imposed under the Act on law enforcement agencies, there would be no duty on any person to disclose information from the compilation. A person would not have a civil action against another person for failure to disclose information from the compilation unless that other person had a duty to disclose.

Further, the bill specifies that an individual who was in a witness protection and relocation program would be required to use only the name and identifying information reflecting his or her new identity in a registration under the Act.

MCL 28.721 et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. The Department of State Police would incur expense in notifying by first class mail each of the more than 17,000 persons who would be subject to address verification under the bill. The processing of information and the verification and investigation of persons' addresses required under the bill would add costs for the Department of State Police and local law enforcement agencies in an amount that cannot be determined at this time.

Date Completed: 11-13-97

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.