

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 566 (Substitute S-1 as reported)  
Sponsor: Senator Bev Hammerstrom  
Committee: Families, Mental Health and Human Services

## **CONTENT**

The bill would amend the Sex Offenders Registration Act to do the following:

- Expand the Act's listed offenses to include gross indecency, kidnapping, and soliciting and accosting, if the victim were under 18 years of age.
- Include students and people working in this State in the registration requirements.
- Require the Department of State Police, by September 1, 1999, to notify each person registered under the Act who was not in a State correctional facility of his or her registration, notification, and verification duties under the Act.
- Require the Department of Corrections (DOC) to give a registered person who was in a State correctional facility a written notice explaining the procedure for registration, notification, and verification.
- Require registration of a person convicted on or before September 1, 1999, of an offense that was added on that date to the definition of "listed offense".
- Require a person to comply for life with the Act's reporting requirements if he or she had been convicted of certain criminal sexual conduct offenses or kidnapping.
- Require a registered person who was not incarcerated to report in person to a law enforcement agency for registration and verification by January 15, 2000; and then to report yearly if he or she had been convicted of a misdemeanor listed offense, or quarterly if convicted of a felony.
- Require a registered person to maintain a valid driver's license or official State personal identification card.
- Require, between January 1, 2000, and January 15, 2000, a registered person who was not incarcerated to have a digitized photograph taken by the Secretary of State.

The bill also would establish new felony penalties for persons who were required to be registered and who willfully violated the Act. Currently, a violation of the registration requirement is a felony, punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. Under the bill, a first offense would be punishable by not less than one year's or more than four years' imprisonment; a second offense would be punishable by not less than two years' or more than seven years' imprisonment; a third or subsequent offense would be punishable by not less than five years' or more than 10 years' imprisonment. Offenders would not be eligible for probation or a suspended sentence. In addition, the bill would establish misdemeanor penalties for persons who failed to comply with the bill's reporting and verification requirements.

The bill would take effect on September 1, 1999.

MCL 28.722 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

Senate Bill 566 (S-1) would create graduated sanctions with required minimum sentences for the felony of failing to register and a new misdemeanor for other violations of conditions of registration. As a result, costs or fine revenues for the State or local units of government would increase.

In 1997, there were 16 dispositions involving failure to register as a sex offender with nine offenders given a prison sentence. There are no data available to indicate how many times the offenders had previously been convicted of the same crime, nor are there data to indicate how many more people could be convicted of this offense as a result of the proposed changes.

Assuming that the number of dispositions in 1997 remained constant, that offenders would be incarcerated in

State facilities for the required minimum sentence for the number of previous violations, and that one-third of the offenders had never been convicted, one-third of the offenders had one prior conviction, and one-third had two or more prior convictions, given that the average annual cost of incarceration is \$22,000, the cost to incarcerate offenders for this offense would be \$880,000 per year.

To the extent that conviction for this crime would not prohibit conviction for another crime from the same transaction, length of sentence for certain offenders could increase.

The bill also features requirements that are mandated by the Federal Jacob Wetterling Act, that, if not placed in State law, could result in a 10% reduction to the State of Federal grant funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Failure to enact the Federal mandates in the bill could result in a loss of \$1.6 million in Federal funds to State and local agencies.

Fiscal Analyst: K. Firestone  
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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.