

# HOUSE BILL No. 4024

January 25, 2001, Introduced by Rep. Jammick and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 8 and 10 (MCL 28.728 and 28.730), as amended by 1999 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

4       (2) The department shall maintain a computerized ~~data base~~  
5 DATABASE separate from that described in subsection (1) to imple-  
6 ment section 10(2) and (3). The ~~data base~~ DATABASE shall con-  
7 sist of a compilation of individuals registered under this act,  
8 but except as provided in this subsection, shall not include any  
9 individual registered solely because he or she had 1 or more  
10 dispositions for a listed offense entered under section 18 of

1 chapter XIIIA of the probate code of 1939, 1939 PA 288,  
2 MCL 712A.18, in a case that was not designated as a case in which  
3 the individual was to be tried in the same manner as an adult  
4 under section 2d of chapter XIIIA of the probate code of 1939,  
5 1939 PA 288, MCL 712A.2d. The exclusion for juvenile disposi-  
6 tions does not apply to a disposition for a violation of section  
7 520b or 520c of the Michigan penal code, 1931 PA 328,  
8 MCL 750.520b and 750.520c, after the individual becomes 18 years  
9 of age. The compilation of individuals shall be indexed numeri-  
10 cally by zip code area. Within each zip code area, the compila-  
11 tion shall contain the name and aliases, address, physical  
12 description, and birth date of each individual registered under  
13 this act who is included in the compilation and who resides in  
14 that zip code area and any listed offense of which the individual  
15 has been convicted. The department shall update the compilation  
16 with new registrations, deletions from registrations, and address  
17 changes at the same time those changes are made to the ~~data~~  
18 ~~base~~ DATABASE described in subsection (1). THE DEPARTMENT SHALL  
19 CORRECT ANY ERRONEOUS INFORMATION IN THE COMPILATION WITHIN 7  
20 BUSINESS DAYS AFTER BEING NOTIFIED IN WRITING OF THE ERRONEOUS  
21 INFORMATION. The department shall make the compilation available  
22 to each department post, local law enforcement agency, and  
23 sheriff's department by the law enforcement information network.  
24 Upon request by a department post, local law enforcement agency,  
25 or sheriff's department, the department shall provide to that  
26 post, agency, or sheriff's department the information from the  
27 compilation in printed form for the zip code areas located in

1 whole or in part within the post's, agency's, or sheriff's  
2 department's jurisdiction. The department shall make the compi-  
3 lation or information from the compilation available to a depart-  
4 ment post, local law enforcement agency, sheriff's department,  
5 and the public by electronic, computerized, or other similar  
6 means accessible to the post, agency, or sheriff's department.  
7 The electronic, computerized, or other similar means shall pro-  
8 vide for both a search by name and by zip code.

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

16 Sec. 10. (1) Except as provided in this act, a registration  
17 is confidential and shall not be open to inspection except for  
18 law enforcement purposes. The registration and all included  
19 materials and information are exempt from disclosure under sec-  
20 tion 13 of the freedom of information act, 1976 PA 442, MCL  
21 15.243.

22 (2) A department post, local law enforcement agency, or  
23 sheriff's department shall make information from the compilation  
24 described in section 8(2) for the zip code areas located in whole  
25 or in part within the post's, agency's, or sheriff's department's  
26 jurisdiction available for public inspection during regular  
27 business hours. A department post, local law enforcement agency,

1 or sheriff's department is not required to make a copy of the  
2 information for a member of the public.

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

6 (4) Except as provided in this act, an individual other than  
7 the registrant who knows of a registration under this act and who  
8 divulges, uses, or publishes ~~nonpublic~~ information concerning  
9 the registration in violation of this act is guilty of a misde-  
10 meanor punishable by imprisonment for not more than 90 days or a  
11 fine of not more than \$500.00, or both.

12 (5) An individual whose registration is revealed in viola-  
13 tion of this act has a civil cause of action against the respon-  
14 sible party for treble damages. AN INDIVIDUAL WHO IS INCORRECTLY  
15 IDENTIFIED AS BEING A REGISTRANT HAS A CIVIL CAUSE OF ACTION  
16 AGAINST THE RESPONSIBLE PARTY FOR TREBLE DAMAGES.

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