

HOUSE BILL No. 6171

June 5, 2002, Introduced by Rep. Scranton and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 2 (MCL 28.722), as amended by 1999 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

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

3 (i) Having a judgment of conviction or a probation order
4 entered in any court having jurisdiction over criminal offenses,
5 including but not limited to, a tribal court or a military court,
6 and including a conviction subsequently set aside under 1965 PA
7 213, MCL 780.621 to 780.624.

8 (ii) Being assigned to youthful trainee status under sec-
9 tions 11 to 15 of chapter II of the code of criminal procedure,
10 1927 PA 175, MCL 762.12 to 762.15.

1 (iii) Having an order of disposition entered under section
2 18 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
3 MCL 712A.18, that is open to the general public under section 28
4 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
5 MCL 712A.28.

6 (iv) Having an order of disposition or other adjudication in
7 a juvenile matter in another state or country.

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

9 (c) "Local law enforcement agency" means the police depart-
10 ment of a municipality.

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

12 (i) A violation of section 145a, 145b, or 145c of the
13 Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b, and
14 750.145c.

15 (ii) A violation of section 158 of the Michigan penal code,
16 1931 PA 328, MCL 750.158, if a victim is an individual less than
17 18 years of age.

18 (iii) A third or subsequent violation of any combination of
19 the following:

20 (A) Section 167(1)(f) of the Michigan penal code, 1931 PA
21 328, MCL 750.167.

22 (B) Section 335a of the Michigan penal code, 1931 PA 328,
23 MCL 750.335a.

24 (C) A local ordinance of a municipality substantially corre-
25 sponding to a section described in sub-subparagraph (A) or (B).

26 (iv) Except for a juvenile disposition or adjudication, a
27 violation of section 338, 338a, or 338b of the Michigan penal

1 code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a
2 victim is an individual less than 18 years of age.

3 (v) A violation of section 349 of the Michigan penal code,
4 1931 PA 328, MCL 750.349, if a victim is an individual less than
5 18 years of age.

6 (vi) A violation of section 350 of the Michigan penal code,
7 1931 PA 328, MCL 750.350.

8 (vii) A violation of section 448 of the Michigan penal code,
9 1931 PA 328, MCL 750.448, if a victim is an individual less than
10 18 years of age.

11 (viii) A violation of section 455 of the Michigan penal
12 code, 1931 PA 328, MCL 750.455.

13 (ix) A violation of section 520b, 520c, 520d, 520e, or 520g
14 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
15 750.520d, 750.520e, and 750.520g.

16 (x) A VIOLATION OF SECTION 539D OF THE MICHIGAN PENAL CODE,
17 1931 PA 328, MCL 750.539D, IF THE VIOLATION WAS COMMITTED FOR THE
18 PURPOSE OF SEXUAL GRATIFICATION.

19 (xi) ~~(x)~~ Any other violation of a law of this state or a
20 local ordinance of a municipality that by its nature constitutes
21 a sexual offense against an individual who is less than 18 years
22 of age.

23 (xii) ~~(xi)~~ An offense committed by a person who was, at
24 the time of the offense, a sexually delinquent person as defined
25 in section 10a of the Michigan penal code, 1931 PA 328, MCL
26 750.10a.

1 (xiii) ~~(xii)~~ An attempt or conspiracy to commit an offense
2 described in subparagraphs (i) to ~~(xi)~~ (xii).

3 (xiv) ~~(xiii)~~ An offense substantially similar to an
4 offense described in subparagraphs (i) to ~~(xii)~~ (xiii) under a
5 law of the United States, any state, or any country or under
6 tribal or military law.

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

9 (f) "Residence", as used in this act, for registration and
10 voting purposes means that place at which a person habitually
11 sleeps, keeps his or her personal effects, and has a regular
12 place of lodging. If a person has more than 1 residence, or if a
13 wife has a residence separate from that of the husband, that
14 place at which the person resides the greater part of the time
15 shall be his or her official residence for the purposes of this
16 act. This section shall not be construed to affect existing
17 judicial interpretation of the term residence.

18 (g) "Student" means an individual enrolled on a full- or
19 part-time basis in a public or private educational institution,
20 including but not limited to a secondary school, trade school,
21 professional institution, or institution of higher education.