

HOUSE BILL No. 5195

October 22, 2003, Introduced by Reps. Milosch, LaJoy, Brandenburg, Drolet, Julian, Caswell, Garfield, Rocca, Palsrok, Hune, Sheen and Bradstreet and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) The department shall maintain a computerized data base
4 separate from that described in subsection (1) to implement
5 section 10(2) and (3). The data base shall consist of a
6 compilation of individuals registered under this act, but except
7 as provided in this subsection, shall not include any individual
8 registered solely because he or she had 1 or more dispositions
9 for a listed offense entered under section 18 of chapter XIIIA of
10 the probate code of 1939, 1939 PA 288, MCL 712A.18, in a case
11 that was not designated as a case in which the individual was to

1 be tried in the same manner as an adult under section 2d of
2 chapter XIIIA of the probate code of 1939, 1939 PA 288,
3 MCL 712A.2d. The exclusion for juvenile dispositions does not
4 apply to a disposition for a violation of section 520b or 520c of
5 the Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c,
6 after the individual becomes 18 years of age.

7 (3) The compilation of individuals shall be indexed
8 numerically by zip code area. Within each zip code area, the
9 compilation shall contain all of the following information:

10 (a) The name and aliases, address, physical description, and
11 birth date of each individual registered under this act who is
12 included in the compilation and who resides in that zip code area
13 and any listed offense of which the individual has been
14 convicted.

15 (b) The name and campus location of each institution of
16 higher education to which the individual is required to report
17 under section 4a.

18 (c) **If the individual was convicted of a violation of section**
19 **520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA**
20 **328, MCL 750.520b, 750.520c, 750.520d, and 750.520g, and the**
21 **victim of the offense was less than 16 years of age when the**
22 **violation was committed, the photograph of the individual that is**
23 **required to be provided to the department under section 5a.**

24 (4) The department shall update the compilation with new
25 registrations, deletions from registrations, and address changes
26 at the same time those changes are made to the data base
27 described in subsection (1). The department shall make the

1 compilation available to each department post, local law
2 enforcement agency, and sheriff's department by the law
3 enforcement information network. Upon request by a department
4 post, local law enforcement agency, or sheriff's department, the
5 department shall provide to that post, agency, or sheriff's
6 department the information from the compilation in printed form
7 for the zip code areas located in whole or in part within the
8 post's, agency's, or sheriff's department's jurisdiction. The
9 department shall provide the ability to conduct a computerized
10 search of the compilation based upon the name and campus location
11 of an institution of higher education described in subsection
12 (3)(b).

13 (5) The department shall make the compilation or information
14 from the compilation available to a department post, local law
15 enforcement agency, sheriff's department, and the public by
16 electronic, computerized, or other similar means accessible to
17 the post, agency, or sheriff's department. The electronic,
18 computerized, or other similar means shall provide for both a
19 search by name and by zip code.

20 (6) If a court determines that the public availability under
21 section 10 of any information concerning individuals registered
22 under this act, including names and aliases, addresses, physical
23 descriptions, or dates of birth, violates the constitution of the
24 United States or this state, the department shall revise the
25 compilation in subsection (2) so that it does not contain that
26 information.