

Legislative Analysis



INCREASE PENALTIES FOR FAILURE TO REPORT AS A SEX OFFENDER

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Senate Bill 606 as passed by the Senate
Sponsor: Sen. Michael Bishop

Senate Bill 607 as passed by the Senate
Sponsor: Sen. Bruce Patterson
Senate Committee: Judiciary
House Committee: Judiciary

Complete to 8-22-05

A SUMMARY OF SENATE BILLS 606 AND 607 AS PASSED BY THE SENATE 6-30-05

Senate Bill 607 would amend the Sex Offenders Registration Act (MCL 28.725 and 28.729) to revise the penalties for violating certain duties imposed on an offender.

Under the act, a person convicted of a listed offense (a crime that requires registration as a sex offender) must adhere to the act's reporting and registration requirements. Section 5a requires a sex offender convicted of a misdemeanor offense to report in person to the local law enforcement agency once a year and an offender convicted of a felony four times a year. It also requires an offender to maintain a current state driver's license or state identification card, to pay certain fees, and to have a digital photo taken (which is available for use by the Department of State Police) at a Secretary of State office. Currently, it is a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$1,000 to violate Section 5a of the act.

Senate Bill 607 would instead specify that a violation of Section 5a, other than failure to pay the fee, would be a crime punishable as follows:

- For no prior convictions (1st offense) for a violation of the act, a misdemeanor punishable by up to 93 days imprisonment and/or a fine of not more than \$1,000.
- For one prior conviction (2nd offense) for a violation of the act, a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$2,000.
- For two or more prior convictions (3rd offense) for a violation of the act, a felony punishable by imprisonment for not more than four years and/or a fine of not more than \$2,500.

In addition, the act requires an individual required to be registered to notify the local law enforcement agency within 10 days of being paroled; final release from prison; or changing his or her place of residence, domicile, or place of work or education. The bill

would also require a notification if the individual vacated the residence, domicile, or place of work or education.

Senate Bill 606 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.11b) to specify that failure to update sex offender registration information – third or subsequent offense – would be a Class F felony against the public order with a maximum term of imprisonment of four years. The bill is tie-barred to Senate Bill 607.

Both bills would take effect October 15, 2005

FISCAL IMPACT:

By providing for felony penalties and one-year misdemeanor penalties, the bills could increase correctional costs for the state and local units of government. Felony incarceration and felony probation supervision are the responsibility of the state, which could experience increased costs of prison incarceration (which averages about \$29,000 per prisoner per year) or probation supervision (which averages \$1,977 per supervised offender per year). Costs of incarcerating felony or misdemeanor offenders in jails would fall to counties; costs vary by county. Local units of government also could incur increased costs if the numbers of offenders under misdemeanor probation supervision increased. Increases in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenue.

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