

# HOUSE BILL No. 4934

June 14, 2005, Introduced by Reps. Ball and Schuitmaker and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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

1           Sec. 5. (1) Within 10 days after any of the following occur,  
2 an individual required to be registered under this act shall notify  
3 the local law enforcement agency or sheriff's department having  
4 jurisdiction where his or her new residence or domicile is located  
5 or the department post of the individual's new residence or  
6 domicile:

7           (a) The individual changes **OR VACATES** his or her residence,  
8 domicile, or place of work or education, including any change  
9 required to be reported under section 4a.

1 (b) The individual is paroled.

2 (c) Final release of the individual from the jurisdiction of  
3 the department of corrections.

4 (2) Within 10 days after either of the following occurs, the  
5 department of corrections shall notify the local law enforcement  
6 agency or sheriff's department having jurisdiction over the area to  
7 which the individual is transferred or the department post of the  
8 transferred residence or domicile of an individual required to be  
9 registered under this act:

10 (a) The individual is transferred to a community residential  
11 program.

12 (b) The individual is transferred into a minimum custody  
13 correctional facility of any kind, including a correctional camp or  
14 work camp.

15 (3) An individual required to be registered under this act  
16 shall notify the department on a form prescribed by the department  
17 not later than 10 days before he or she changes his or her domicile  
18 or residence to another state. The individual shall indicate the  
19 new state and, if known, the new address. The department shall  
20 update the registration and compilation databases and promptly  
21 notify the appropriate law enforcement agency and any applicable  
22 sex or child offender registration authority in the new state.

23 (4) If the probation or parole of an individual required to be  
24 registered under this act is transferred to another state or an  
25 individual required to be registered under this act is transferred  
26 from a state correctional facility to any correctional facility or  
27 probation or parole in another state, the department of corrections

1 shall promptly notify the department and the appropriate law  
2 enforcement agency and any applicable sex or child offender  
3 registration authority in the new state. The department shall  
4 update the registration and compilation databases.

5 (5) An individual registered under this act shall comply with  
6 the verification procedures and proof of residence procedures  
7 prescribed in sections 4a and 5a.

8 (6) Except as provided in subsections (7) and (8), an  
9 individual shall comply with this section for 25 years after the  
10 date of initially registering or, if the individual is in a state  
11 correctional facility, for 10 years after release from the state  
12 correctional facility, whichever is longer.

13 (7) Except as provided in subsection (8), an individual shall  
14 comply with this section for life if the individual is convicted of  
15 any of the following or a substantially similar offense under a law  
16 of the United States, any state, or any country or under tribal or  
17 military law:

18 (a) A violation of section 520b of the Michigan penal code,  
19 1931 PA 328, MCL 750.520b.

20 (b) A violation of section 520c(1)(a) of the Michigan penal  
21 code, 1931 PA 328, MCL 750.520c.

22 (c) A violation of section 349 of the Michigan penal code,  
23 1931 PA 328, MCL 750.349, if the victim is less than 18 years of  
24 age.

25 (d) A violation of section 350 of the Michigan penal code,  
26 1931 PA 328, MCL 750.350.

27 (e) A violation of section 145c(2) or (3) of the Michigan

1 penal code, 1931 PA 328, MCL 750.145c.

2 (f) An attempt or conspiracy to commit an offense described in  
3 subdivisions (a) to (e).

4 (g) Except as provided in this subdivision, a second or  
5 subsequent listed offense after October 1, 1995 regardless of when  
6 any earlier listed offense was committed. An individual is not  
7 required to comply with this section for life if his or her first  
8 or second listed offense is for a conviction on or before September  
9 1, 1999 for an offense that was added on September 1, 1999 to the  
10 definition of listed offense, unless he or she is convicted of a  
11 subsequent listed offense after September 1, 1999.

12 (8) An individual who is ordered to register as provided in  
13 section 8d shall register subject to that section.

14 Sec. 9. (1) Except as provided in subsections (2), (3), and  
15 (4), an individual required to be registered under this act who  
16 willfully violates this act is guilty of a felony punishable as  
17 follows:

18 (a) If the individual has no prior convictions for a violation  
19 of this act, other than a failure to comply with section 5a, by  
20 imprisonment for not more than 4 years or a fine of not more than  
21 \$2,000.00, or both.

22 (b) If the individual has 1 prior conviction for a violation  
23 of this act, other than a failure to comply with section 5a, by  
24 imprisonment for not more than 7 years or a fine of not more than  
25 \$5,000.00, or both.

26 (c) If the individual has 2 or more prior convictions for  
27 violations of this act, other than a failure to comply with section

1 5a, by imprisonment for not more than 10 years or a fine of not  
2 more than \$10,000.00, or both.

3 (2) An individual who fails to comply with section 5a, other  
4 than payment of the fee required under section ~~5a(6)~~ **5A(7)** is  
5 guilty of a **CRIME PUNISHABLE AS FOLLOWS:**

6 (A) IF THE INDIVIDUAL HAS NO PRIOR CONVICTIONS FOR A VIOLATION  
7 OF THIS ACT, THE INDIVIDUAL IS GUILTY OF A misdemeanor punishable  
8 by imprisonment for not more than 93 days or a fine of not more  
9 than \$1,000.00, or both.

10 (B) IF THE INDIVIDUAL HAS 1 PRIOR CONVICTION FOR A VIOLATION  
11 OF THIS ACT, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE  
12 BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
13 \$2,000.00, OR BOTH.

14 (C) IF THE INDIVIDUAL HAS 2 OR MORE PRIOR CONVICTIONS FOR A  
15 VIOLATION OF THIS ACT, THE INDIVIDUAL IS GUILTY OF A FELONY  
16 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF  
17 NOT MORE THAN \$2,500.00, OR BOTH.

18 (3) An individual who willfully fails to sign a registration,  
19 notice, or verification as provided in section 7(4) is guilty of a  
20 misdemeanor punishable by imprisonment for not more than 93 days or  
21 a fine of not more than \$1,000.00, or both.

22 (4) An individual who willfully refuses or fails to pay the  
23 registration fee prescribed in section ~~5a(6)~~ **5A(7)** or section  
24 7(1) within 90 days of the date the individual reports under  
25 section 4a or 5a is guilty of a misdemeanor punishable by  
26 imprisonment for not more than 90 days.

27 (5) The court shall revoke the probation of an individual

1 placed on probation who willfully violates this act.

2 (6) The court shall revoke the youthful trainee status of an  
3 individual assigned to youthful trainee status who willfully  
4 violates this act.

5 (7) The parole board shall rescind the parole of an individual  
6 released on parole who willfully violates this act.

7 (8) An individual's failure to register as required by this  
8 act or a violation of section 5(1), (3), or (4) may be prosecuted  
9 in the judicial district of any of the following:

10 (a) The individual's last registered address or residence.

11 (b) The individual's actual address or residence.

12 (c) Where the individual was arrested for the violation.