

SENATE BILL No. 129

February 1, 2005, Introduced by Senators SANBORN, BIRKHOLZ, GARCIA,
PATTERSON, CROUSEY and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 2b to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

SEC. 2B. (1) THE COURT MAY PLACE AN INDIVIDUAL CONVICTED OF A
VIOLATION DESCRIBED IN SUBSECTION (4) ON PROBATION FOR ANY TERM OF
YEARS BUT NOT LESS THAN 5 YEARS.

(2) IF THE INDIVIDUAL IS PLACED ON PROBATION UNDER THIS
SECTION, THE COURT MAY ORDER THE INDIVIDUAL, AS A CONDITION OF
PROBATION, NOT TO ENGAGE IN ALL OF THE FOLLOWING CONDUCT:

(A) RESIDE IN HOUSING THAT IS LOCATED WITHIN 1 MILE OF A

1 SCHOOL.

2 (B) ENTER UPON SCHOOL PROPERTY.

3 (3) AN INDIVIDUAL PLACED ON PROBATION UNDER THIS SECTION IS
4 ALSO SUBJECT TO THE REQUIREMENTS OF SECTION 3 OF THIS CHAPTER.

5 (4) THIS SECTION APPLIES TO A VIOLATION OR ATTEMPTED VIOLATION
6 OF ANY OF THE FOLLOWING:

7 (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
8 750.158 (SODOMY), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

9 (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
10 750.335A (INDECENT EXPOSURE), IF THE VICTIM IS LESS THAN 18 YEARS
11 OF AGE.

12 (C) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
13 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTICING AWAY
14 CHILD UNDER 14 YEARS OF AGE).

15 (D) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
16 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
17 LESS THAN 18 YEARS OF AGE.

18 (E) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
19 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
20 LESS THAN 18 YEARS OF AGE.

21 (F) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
22 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
23 LESS THAN 18 YEARS OF AGE.

24 (G) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
25 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
26 LESS THAN 18 YEARS OF AGE.

27 (H) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL

1 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT),
2 IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

3 (I) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITICAL
4 SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY
5 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (H).

6 (5) AS USED IN THIS SECTION:

7 (A) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
8 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGARTEN,
9 OR ANY GRADE FROM 1 THROUGH 12.

10 (B) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
11 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHILDREN
12 OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL, EXCEPT A
13 BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE EXTENSION
14 COURSES.