



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 485 (Substitute S-1 as reported)
Sponsor: Senator Wayne Kuipers
Committee: Judiciary

Date Completed: 12-7-07

RATIONALE

Under Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure, if a defendant is sentenced for an offense other than a listed offense as defined in the Sex Offenders Registration Act (SORA), the court must determine if the offense is a violation that by its nature constitutes a sexual offense against an individual who is under 18 years of age. If so, the conviction is considered a SORA listed offense, and the court must include the basis for that determination on the record and include it in the judgment of sentence. While "listed offense" is defined in Section 2(e) of SORA, however, this provision of the Code refers to Section 2(d) of SORA.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Lindsay Hollander

CONTENT

The bill would amend Chapter IX of the Code of Criminal Procedure to refer to a "listed offense" as defined in Section 2(e), rather than 2(d), of the Sex Offenders Registration Act, in a provision dealing with a court's determination of whether a defendant's offense constitutes a sexual offense against an individual under 18 years of age.

MCL 769.1

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By referring to the actual section of SORA that includes the definition of "listed offense", the bill would ensure that Chapter IX of the Code of Criminal Procedure was applied appropriately.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.