

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 189

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726,
28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as
amended by 1996 PA 494, section 7 as amended by 2004 PA 237,
section 8 as amended and sections 8c and 8d as added by 2004 PA
240, section 9 as amended by 2005 PA 132, and section 10 as amended
by 2006 PA 46, and by adding section 8a; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The officer, court, or agency registering an
2 individual or receiving or accepting a registration under section 4

1 or receiving notice under section 5(1) shall provide the individual
2 with a copy of the registration or notification at the time of
3 registration or notice.

4 (2) The officer, court, or agency registering an individual or
5 receiving or accepting a registration under section 4 or notified
6 of an address change under section 5(1) shall forward the
7 registration or notification to the department ~~by the law~~
8 ~~enforcement information network within 3 business days~~ **IN A MANNER**
9 **PRESCRIBED BY THE DEPARTMENT IMMEDIATELY** after registration or
10 notification.

11 Sec. 7. (1) ~~A registration~~ **REGISTRATION INFORMATION OBTAINED**
12 under this act ~~shall be made on a form provided by the department~~
13 ~~and~~ shall be forwarded to the department in the format the
14 department prescribes. ~~, along with~~ **EXCEPT AS PROVIDED IN SECTION**
15 **5B(3), a \$35.00-\$50.00 registration fee for** **SHALL ACCOMPANY** each
16 original registration. ~~, except as otherwise provided in section~~
17 ~~5b. A registration shall contain all of the following:~~ **ALL OF THE**
18 **FOLLOWING INFORMATION SHALL BE OBTAINED OR OTHERWISE PROVIDED FOR**
19 **REGISTRATION PURPOSES:**

20 (a) The individual's **LEGAL** name ~~, social security number, date~~
21 ~~of birth, and address or expected address.~~ **AND ANY ALIASES,**
22 **NICKNAMES, ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE**
23 **INDIVIDUAL IS OR HAS BEEN KNOWN.** An individual who is in a witness
24 protection and relocation program is only required to use the name
25 and identifying information reflecting his or her new identity in a
26 registration under this act. The registration and compilation
27 databases shall not contain any information identifying the

1 individual's prior identity or locale. ~~The department shall request~~
2 ~~each individual to provide his or her date of birth if it is not~~
3 ~~included in the registration, and that individual shall comply with~~
4 ~~the request within 10 days.~~

5 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL
6 SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED
7 BY THE INDIVIDUAL.

8 (C) THE INDIVIDUAL'S DATE OF BIRTH AND ANY ALLEGED DATES OF
9 BIRTH PREVIOUSLY USED BY THE INDIVIDUAL.

10 (D) THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.
11 IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION
12 UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR
13 TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE OR, IF THE
14 INDIVIDUAL IS HOMELESS, THE VILLAGE, CITY, OR TOWNSHIP WHERE THE
15 PERSON SPENDS OR WILL SPEND THE MAJORITY OF HIS OR HER TIME.

16 (E) THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING
17 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE
18 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER
19 RESIDENCE FOR MORE THAN 7 DAYS. INFORMATION UNDER THIS SUBDIVISION
20 SHALL INCLUDE THE DATES THE LODGING IS USED OR TO BE USED.

21 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S
22 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A
23 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT
24 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
25 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
26 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER. IF THE INDIVIDUAL LACKS
27 A FIXED EMPLOYMENT LOCATION, THE INFORMATION OBTAINED UNDER THIS

1 SUBDIVISION SHALL INCLUDE THE GENERAL AREAS WHERE THE INDIVIDUAL
2 WORKS AND THE NORMAL TRAVEL ROUTES TAKEN BY THE INDIVIDUAL IN THE
3 COURSE OF HIS OR HER EMPLOYMENT.

4 (G) THE NAME AND ADDRESS OF ANY SCHOOL BEING ATTENDED BY THE
5 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
6 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
7 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE POSTSECONDARY
8 SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

9 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR
10 ROUTINELY USED BY THE INDIVIDUAL.

11 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
12 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
13 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE
14 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
15 MESSAGING SYSTEM.

16 (J) THE LICENSE PLATE NUMBER, REGISTRATION NUMBER, AND
17 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
18 REGULARLY OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE
19 MOTOR VEHICLE, AIRCRAFT, OR VESSEL IS HABITUALLY STORED OR KEPT.

20 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL
21 IDENTIFICATION CARD NUMBER.

22 (L) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER
23 IMMIGRATION DOCUMENTS.

24 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING
25 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL
26 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

27 (N) ~~(b)~~—A brief summary of the individual's convictions for

1 listed offenses regardless of when the conviction occurred,
2 including where the offense occurred and the original charge if the
3 conviction was for a lesser offense.

4 (O) ~~(e)~~—A complete physical description of the individual.

5 (P) ~~(d)~~—The photograph required under section 5a.

6 (Q) ~~(e)~~—The individual's fingerprints if not already on file
7 with the department **AND THE INDIVIDUAL'S PALM PRINTS**. An individual
8 required to be registered ~~on September 1, 1999~~ **UNDER THIS ACT** shall
9 have his or her fingerprints **OR PALM PRINTS OR BOTH** taken not later
10 than September 12, ~~1999~~ **2011** if **HIS OR HER FINGERPRINTS OR PALM**
11 **PRINTS ARE** not already on file with the department. The department
12 shall forward a copy of the individual's fingerprints **AND PALM**
13 **PRINTS** to the federal bureau of investigation if not already on
14 file with that bureau.

15 (R) ~~(f)~~—Information that is required to be reported under
16 section 4a.

17 (2) A registration ~~may~~ **SHALL** contain ~~the individual's blood~~
18 ~~type and whether a DNA identification profile of the individual is~~
19 ~~available~~. **ALL OF THE FOLLOWING:**

20 (A) **AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER**
21 **LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE**
22 **PHOTOGRAPH REQUIRED UNDER THIS ACT.**

23 (B) **THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL**
24 **OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.**

25 (C) **ANY OUTSTANDING ARREST WARRANT INFORMATION.**

26 (D) **THE INDIVIDUAL'S TIER CLASSIFICATION.**

27 (E) **AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN**

1 COLLECTED AND ANY RESULTING DNA PROFILE HAS BEEN ENTERED INTO THE
2 FEDERAL COMBINED DNA INDEX SYSTEM (CODIS).

3 (F) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,
4 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

5 (G) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS NUMBER
6 AND STATUS OF PAROLE, PROBATION, OR SUPERVISED RELEASE.

7 (H) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

8 (3) The form used for ~~registration or verification~~
9 NOTIFICATION OF DUTIES under this act shall contain a written
10 statement that explains the duty of the individual being registered
11 to provide notice of ~~a change of address under section 5,~~ **CHANGES**
12 **IN HIS OR HER REGISTRATION INFORMATION**, the procedures for
13 providing that notice, and the verification procedures under
14 section 5a.

15 (4) The individual shall sign a registration ~~and~~ notice. ~~and~~
16 ~~and verification.~~ However, the registration ~~and~~ notice ~~or~~
17 ~~verification~~ shall be forwarded to the department regardless of
18 whether the individual signs it or pays the registration fee
19 required under subsection (1).

20 (5) The officer, court, or an employee of the agency
21 registering the individual or receiving or accepting a registration
22 under section 4 shall sign the registration form.

23 (6) An individual shall not knowingly provide false or
24 misleading information concerning a registration, notice, or
25 verification.

26 (7) The department shall prescribe the form for a notification
27 required under section 5 and the format for forwarding the

1 notification to the department.

2 (8) The department shall promptly provide registration,
3 notice, and verification information to the federal bureau of
4 investigation and to local law enforcement agencies, sheriff's
5 departments, department posts, and ~~agencies of other states~~
6 ~~requiring the information,~~ **OTHER REGISTERING JURISDICTIONS**, as
7 provided by law.

8 Sec. 8. (1) The department shall maintain a computerized **LAW**
9 **ENFORCEMENT** database of registrations and notices required under
10 this act. **THE LAW ENFORCEMENT DATABASE SHALL CONTAIN ALL OF THE**
11 **FOLLOWING INFORMATION FOR EACH INDIVIDUAL REGISTERED UNDER THIS**
12 **ACT:**

13 (A) **THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,**
14 **ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS**
15 **OR HAS BEEN KNOWN.**

16 (B) **THE INDIVIDUAL'S SOCIAL SECURITY NUMBER AND ANY SOCIAL**
17 **SECURITY NUMBERS OR ALLEGED SOCIAL SECURITY NUMBERS PREVIOUSLY USED**
18 **BY THE INDIVIDUAL.**

19 (C) **THE INDIVIDUAL'S DATE OF BIRTH AND ANY ALLEGED DATES OF**
20 **BIRTH PREVIOUSLY USED BY THE INDIVIDUAL.**

21 (D) **THE ADDRESS WHERE THE INDIVIDUAL RESIDES OR WILL RESIDE.**
22 **IF THE INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION**
23 **UNDER THIS SUBSECTION SHALL IDENTIFY THE LOCATION OR AREA USED OR**
24 **TO BE USED BY THE INDIVIDUAL IN LIEU OF A RESIDENCE OR, IF THE**
25 **INDIVIDUAL IS HOMELESS, THE VILLAGE, CITY, OR TOWNSHIP WHERE THE**
26 **INDIVIDUAL SPENDS OR WILL SPEND THE MAJORITY OF HIS OR HER TIME.**

27 (E) **THE NAME AND ADDRESS OF ANY PLACE OF TEMPORARY LODGING**

1 USED OR TO BE USED BY THE INDIVIDUAL DURING ANY PERIOD IN WHICH THE
2 INDIVIDUAL IS AWAY, OR IS EXPECTED TO BE AWAY, FROM HIS OR HER
3 RESIDENCE FOR MORE THAN 7 DAYS. INFORMATION UNDER THIS SUBDIVISION
4 SHALL INCLUDE THE DATES THE LODGING IS USED OR TO BE USED.

5 (F) THE NAME AND ADDRESS OF EACH OF THE INDIVIDUAL'S
6 EMPLOYERS. FOR PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A
7 CONTRACTOR AND ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT
8 WITH THE INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
9 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
10 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

11 (G) THE NAME AND ADDRESS OF ANY SCHOOL BEING ATTENDED BY THE
12 INDIVIDUAL AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A
13 STUDENT THAT HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS
14 SUBDIVISION, "SCHOOL" MEANS A PUBLIC OR PRIVATE POSTSECONDARY
15 SCHOOL OR SCHOOL OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

16 (H) ALL TELEPHONE NUMBERS REGISTERED TO THE INDIVIDUAL OR
17 ROUTINELY USED BY THE INDIVIDUAL.

18 (I) ALL ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
19 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
20 INDIVIDUAL AND ALL LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE
21 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
22 MESSAGING SYSTEM.

23 (J) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND
24 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
25 REGULARLY OPERATED BY THE INDIVIDUAL AND THE LOCATION AT WHICH THE
26 MOTOR VEHICLE, AIRCRAFT, OR VESSEL IS HABITUALLY STORED OR KEPT.

27 (K) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL

1 IDENTIFICATION CARD NUMBER.

2 (I) A DIGITAL COPY OF THE INDIVIDUAL'S PASSPORT AND OTHER
3 IMMIGRATION DOCUMENTS.

4 (M) THE INDIVIDUAL'S OCCUPATIONAL AND PROFESSIONAL LICENSING
5 INFORMATION, INCLUDING ANY LICENSE THAT AUTHORIZES THE INDIVIDUAL
6 TO ENGAGE IN ANY OCCUPATION, PROFESSION, TRADE, OR BUSINESS.

7 (N) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED
8 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED, INCLUDING
9 WHERE THE OFFENSE OCCURRED AND THE ORIGINAL CHARGE IF THE
10 CONVICTION WAS FOR A LESSER OFFENSE.

11 (O) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

12 (P) THE PHOTOGRAPH REQUIRED UNDER SECTION 5A.

13 (Q) THE INDIVIDUAL'S FINGERPRINTS AND PALM PRINTS.

14 (R) AN ELECTRONIC COPY OF THE OFFENDER'S MICHIGAN DRIVER
15 LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD, INCLUDING THE
16 PHOTOGRAPH REQUIRED UNDER THIS ACT.

17 (S) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL
18 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

19 (T) ANY OUTSTANDING ARREST WARRANT INFORMATION.

20 (U) THE INDIVIDUAL'S TIER CLASSIFICATION AND REGISTRATION
21 STATUS.

22 (V) AN IDENTIFIER THAT INDICATES WHETHER A DNA SAMPLE HAS BEEN
23 COLLECTED AND ANY RESULTING DNA PROFILE HAS BEEN ENTERED INTO THE
24 FEDERAL COMBINED DNA INDEX SYSTEM (CODIS).

25 (W) THE INDIVIDUAL'S COMPLETE CRIMINAL HISTORY RECORD,
26 INCLUDING THE DATES OF ALL ARRESTS AND CONVICTIONS.

27 (X) THE INDIVIDUAL'S MICHIGAN DEPARTMENT OF CORRECTIONS NUMBER

1 AND THE STATUS OF HIS OR HER PAROLE, PROBATION, OR RELEASE.

2 (Y) THE INDIVIDUAL'S FEDERAL BUREAU OF INVESTIGATION NUMBER.

3 (2) The department shall maintain a ~~computerized database~~
4 PUBLIC INTERNET WEBSITE separate from ~~that~~ THE LAW ENFORCEMENT
5 DATABASE described in subsection (1) to implement section 10(2) and
6 (3). Except as provided in subsection ~~(3)~~ (4), the ~~database~~ PUBLIC
7 INTERNET WEBSITE shall ~~consist of a compilation of individuals~~
8 CONTAIN ALL OF THE FOLLOWING INFORMATION FOR EACH INDIVIDUAL
9 registered under this act: -

10 (A) THE INDIVIDUAL'S LEGAL NAME AND ANY ALIASES, NICKNAMES,
11 ETHNIC OR TRIBAL NAMES, OR OTHER NAMES BY WHICH THE INDIVIDUAL IS
12 OR HAS BEEN KNOWN.

13 (B) THE INDIVIDUAL'S DATE OF BIRTH.

14 (C) THE ADDRESS WHERE THE INDIVIDUAL RESIDES. IF THE
15 INDIVIDUAL DOES NOT HAVE A RESIDENTIAL ADDRESS, INFORMATION UNDER
16 THIS SUBSECTION SHALL IDENTIFY THE VILLAGE, CITY, OR TOWNSHIP USED
17 BY THE INDIVIDUAL IN LIEU OF A RESIDENCE.

18 (D) THE ADDRESS OF EACH OF THE INDIVIDUAL'S EMPLOYERS. FOR
19 PURPOSES OF THIS SUBDIVISION, "EMPLOYER" INCLUDES A CONTRACTOR AND
20 ANY INDIVIDUAL WHO HAS AGREED TO HIRE OR CONTRACT WITH THE
21 INDIVIDUAL FOR HIS OR HER SERVICES. INFORMATION UNDER THIS
22 SUBSECTION SHALL INCLUDE THE ADDRESS OR LOCATION OF EMPLOYMENT IF
23 DIFFERENT FROM THE ADDRESS OF THE EMPLOYER.

24 (E) THE ADDRESS OF ANY SCHOOL BEING ATTENDED BY THE INDIVIDUAL
25 AND ANY SCHOOL THAT HAS ACCEPTED THE INDIVIDUAL AS A STUDENT THAT
26 HE OR SHE PLANS TO ATTEND. FOR PURPOSES OF THIS SUBDIVISION,
27 "SCHOOL" MEANS A PUBLIC OR PRIVATE POSTSECONDARY SCHOOL OR SCHOOL

1 OF HIGHER EDUCATION, INCLUDING A TRADE SCHOOL.

2 (F) THE LICENSE PLATE NUMBER OR REGISTRATION NUMBER AND
3 DESCRIPTION OF ANY MOTOR VEHICLE, AIRCRAFT, OR VESSEL OWNED OR
4 REGULARLY OPERATED BY THE INDIVIDUAL.

5 (G) A BRIEF SUMMARY OF THE INDIVIDUAL'S CONVICTIONS FOR LISTED
6 OFFENSES REGARDLESS OF WHEN THE CONVICTION OCCURRED.

7 (H) A COMPLETE PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

8 (I) THE PHOTOGRAPH REQUIRED UNDER THIS ACT. IF NO PHOTOGRAPH
9 IS AVAILABLE, THE DEPARTMENT SHALL USE AN ARREST PHOTOGRAPH OR
10 MICHIGAN DEPARTMENT OF CORRECTIONS PHOTOGRAPH UNTIL A PHOTOGRAPH AS
11 PRESCRIBED IN SECTION 5A BECOMES AVAILABLE.

12 (J) THE TEXT OF THE PROVISION OF LAW THAT DEFINES THE CRIMINAL
13 OFFENSE FOR WHICH THE SEX OFFENDER IS REGISTERED.

14 (K) THE INDIVIDUAL'S REGISTRATION STATUS.

15 (L) THE INDIVIDUAL'S TIER CLASSIFICATION.

16 (3) THE FOLLOWING INFORMATION SHALL NOT BE MADE AVAILABLE ON
17 THE PUBLIC INTERNET WEBSITE DESCRIBED IN SUBSECTION (2):

18 (A) THE IDENTITY OF ANY VICTIM OF THE OFFENSE.

19 (B) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

20 (C) ANY ARRESTS NOT RESULTING IN A CONVICTION.

21 (D) ANY TRAVEL OR IMMIGRATION DOCUMENT NUMBERS.

22 (E) ANY ELECTRONIC MAIL ADDRESSES AND INSTANT MESSAGE
23 ADDRESSES ASSIGNED TO THE INDIVIDUAL OR ROUTINELY USED BY THE
24 INDIVIDUAL AND ANY LOGIN NAMES OR OTHER IDENTIFIERS USED BY THE
25 INDIVIDUAL WHEN USING ANY ELECTRONIC MAIL ADDRESS OR INSTANT
26 MESSAGING SYSTEM.

27 (F) THE INDIVIDUAL'S DRIVER LICENSE NUMBER OR STATE PERSONAL

1 **IDENTIFICATION CARD NUMBER.**

2 (4) ~~(3)~~—The ~~database~~ **PUBLIC INTERNET WEBSITE** described in
3 subsection (2) shall not include the following individuals:

4 (a) An individual registered solely because he or she had 1 or
5 more dispositions for a listed offense entered under section 18 of
6 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
7 in a case that was not designated as a case in which the individual
8 was to be tried in the same manner as an adult under section 2d of
9 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.
10 ~~Except as provided in subdivision (b), the exclusion for juvenile~~
11 ~~dispositions does not apply to a disposition for a violation of~~
12 ~~section 520b or 520c of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.520b and 750.520c, after the individual becomes 18 years of~~
14 ~~age.~~

15 (b) An individual ~~who is exempt under section 8d from that~~
16 ~~database~~ **REGISTERED SOLELY BECAUSE HE OR SHE WAS THE SUBJECT OF AN**
17 **ORDER OF DISPOSITION OR OTHER ADJUDICATION IN A JUVENILE MATTER IN**
18 **ANOTHER STATE OR COUNTRY.**

19 (C) **AN INDIVIDUAL REGISTERED SOLELY BECAUSE HE OR SHE HAS BEEN**
20 **CONVICTED OF A SINGLE TIER I OFFENSE.**

21 (5) ~~(4)~~—The compilation of individuals shall be indexed
22 **ALPHABETICALLY BY VILLAGE, CITY, TOWNSHIP, AND COUNTY,** numerically
23 by zip code area, **AND GEOGRAPHICALLY AS DETERMINED APPROPRIATE BY**
24 **THE DEPARTMENT.** ~~Within each zip code area, the compilation shall~~
25 ~~contain all of the following information:~~

26 ~~—— (a) The name and aliases, address, physical description, and~~
27 ~~birth date of each individual registered under this act who is~~

1 included in the compilation and who resides in that zip code area
 2 and any listed offense of which the individual has been convicted.

3 ~~— (b) The name and campus location of each institution of higher
 4 education to which the individual is required to report under
 5 section 4a.~~

6 ~~— (c) Beginning May 1, 2005, the photograph of each individual
 7 registered under this act. The department shall obtain the
 8 photographs submitted under section 5a from the secretary of state
 9 for purposes of implementing this subdivision.~~

10 (6) ~~(5)~~ The department shall update the compilation ~~PUBLIC~~
 11 **INTERNET WEBSITE** with new registrations, deletions from
 12 registrations, and address changes at the same time those changes
 13 are made to the **LAW ENFORCEMENT** database described in subsection
 14 (1). The department shall make the compilation ~~LAW ENFORCEMENT~~
 15 **DATABASE** available to each department post, local law enforcement
 16 agency, and sheriff's department by the law enforcement information
 17 network. Upon request by a department post, local law enforcement
 18 agency, or sheriff's department, the department shall provide to
 19 that post, agency, or sheriff's department the information from the
 20 compilation ~~LAW ENFORCEMENT DATABASE~~ in printed form for the zip
 21 code ~~DESIGNATED~~ areas located in whole or in part within the
 22 post's, agency's, or sheriff's department's jurisdiction. The
 23 department shall provide the ability to conduct a computerized
 24 search of the compilation ~~LAW ENFORCEMENT DATABASE AND THE PUBLIC~~
 25 **INTERNET WEBSITE** based upon the name and campus location of an
 26 institution of higher education. ~~described in subsection (4)(b).~~

27 (7) ~~(6)~~ The department shall make the compilation or

1 ~~information from the compilation~~ **LAW ENFORCEMENT DATABASE** available
2 to a department post, local law enforcement agency, **OR** sheriff's
3 department, ~~and the public~~ by electronic, computerized, or other
4 similar means accessible to the post, agency, or sheriff's
5 department. **THE DEPARTMENT SHALL MAKE THE PUBLIC INTERNET WEBSITE**
6 **AVAILABLE TO THE PUBLIC BY ELECTRONIC, COMPUTERIZED, OR OTHER**
7 **SIMILAR MEANS ACCESSIBLE TO THE PUBLIC.** The electronic,
8 computerized, or other similar means shall provide for ~~both a~~
9 search by name, ~~and by~~ **VILLAGE, CITY, TOWNSHIP, AND COUNTY**
10 **DESIGNATION, zip code, AND GEOGRAPHICAL AREA.**

11 (8) ~~(7)~~ If a court determines that the public availability
12 under section 10 of any information concerning individuals
13 registered under this act, ~~including names and aliases, addresses,~~
14 ~~physical descriptions, or dates of birth,~~ violates the constitution
15 of the United States or this state, the department shall revise the
16 ~~compilation~~ **PUBLIC INTERNET WEBSITE DESCRIBED** in subsection (2) so
17 that it does not contain that information.

18 (9) **IF THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL HAS**
19 **COMPLETED HIS OR HER REGISTRATION PERIOD, INCLUDING A REGISTRATION**
20 **PERIOD REDUCED BY LAW UNDER THE AMENDATORY ACT THAT ADDED THIS**
21 **SUBSECTION, OR THAT HE OR SHE OTHERWISE IS NO LONGER REQUIRED TO**
22 **REGISTER UNDER THIS ACT, THE DEPARTMENT SHALL REMOVE THE**
23 **INDIVIDUAL'S REGISTRATION INFORMATION FROM BOTH THE LAW ENFORCEMENT**
24 **DATABASE AND THE PUBLIC INTERNET WEBSITE WITHIN 7 DAYS AFTER MAKING**
25 **THAT DETERMINATION.**

26 (10) **IF THE INDIVIDUAL PROVIDES THE DEPARTMENT WITH**
27 **DOCUMENTATION SHOWING THAT HE OR SHE IS REQUIRED TO REGISTER UNDER**

1 THIS ACT FOR A VIOLATION THAT HAS BEEN SET ASIDE UNDER 1965 PA 213,
2 MCL 780.621 TO 780.624, OR THAT HAS BEEN OTHERWISE EXPUNGED, THE
3 DEPARTMENT SHALL NOTE ON THE PUBLIC INTERNET WEBSITE THAT THE
4 VIOLATION HAS BEEN SET ASIDE OR EXPUNGED.

5 SEC. 8A. (1) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE
6 HIS OR HER REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE
7 LOCAL LAW ENFORCEMENT AGENCY, SHERIFF'S OFFICE, OR DEPARTMENT POST
8 RESPONSIBLE FOR REGISTERING THE INDIVIDUAL OR FOR VERIFYING AND
9 UPDATING HIS OR HER REGISTRATION INFORMATION SHALL DO ALL OF THE
10 FOLLOWING IMMEDIATELY AFTER THE DATE THE INDIVIDUAL WAS REQUIRED TO
11 REGISTER OR TO UPDATE HIS OR HER REGISTRATION INFORMATION:

12 (A) DETERMINE WHETHER THE INDIVIDUAL HAS ABSCONDED OR IS
13 OTHERWISE UNLOCATABLE.

14 (B) IF THE REGISTERING AUTHORITY WAS NOTIFIED BY A
15 REGISTRATION JURISDICTION THAT THE INDIVIDUAL WAS TO APPEAR IN
16 ORDER TO REGISTER OR UPDATE HIS OR HER REGISTRATION INFORMATION IN
17 THE JURISDICTION OF THE REGISTERING AUTHORITY, NOTIFY THE
18 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT THAT THE
19 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

20 (C) REVISE THE INFORMATION IN THE REGISTRY TO REFLECT THAT THE
21 INDIVIDUAL HAS ABSCONDED OR IS OTHERWISE UNLOCATABLE.

22 (D) SEEK A WARRANT FOR THE INDIVIDUAL'S ARREST IF THE LEGAL
23 REQUIREMENTS FOR OBTAINING A WARRANT ARE SATISFIED.

24 (E) ENTER THE INDIVIDUAL INTO THE NATIONAL CRIME INFORMATION
25 CENTER WANTED PERSON FILE IF THE REQUIREMENTS FOR ENTERING
26 INFORMATION INTO THAT FILE ARE MET.

27 (2) IF AN INDIVIDUAL FAILS TO REGISTER OR TO UPDATE HIS OR HER

1 REGISTRATION INFORMATION AS REQUIRED UNDER THIS ACT, THE DEPARTMENT
2 SHALL DO ALL OF THE FOLLOWING IMMEDIATELY AFTER BEING NOTIFIED BY
3 THE REGISTERING AUTHORITY THAT THE INDIVIDUAL FAILED TO APPEAR AS
4 REQUIRED:

5 (A) NOTIFY THAT OTHER REGISTRATION JURISDICTION THAT THE
6 INDIVIDUAL FAILED TO APPEAR AS REQUIRED.

7 (B) NOTIFY THE UNITED STATES MARSHAL'S SERVICE IN THE MANNER
8 REQUIRED BY THE UNITED STATES MARSHAL'S SERVICE OF THE INDIVIDUAL'S
9 FAILURE TO APPEAR AS REQUIRED.

10 (C) UPDATE THE NATIONAL SEX OFFENDER REGISTRY TO REFLECT THE
11 INDIVIDUAL'S STATUS AS AN ABSCONDER OR AS UNLOCATABLE.

12 Sec. 8c. (1) An individual ~~described in subsection (15) who is~~
13 ~~convicted before October 1, 2004 of a violation described in that~~
14 ~~subsection~~ CLASSIFIED AS A TIER I OFFENDER WHO MEETS THE
15 REQUIREMENTS OF SUBSECTION (12) may petition the court under ~~this~~
16 ~~section~~ THAT SUBSECTION for an order allowing him or her to
17 ~~register~~ DISCONTINUE REGISTRATION under this act. ~~as provided in~~
18 ~~section 8d(1).~~

19 (2) An individual ~~described in subsection (15)(a) or (b) who~~
20 ~~is convicted on or after October 1, 2004 of a violation described~~
21 ~~in that subsection~~ CLASSIFIED AS A TIER III OFFENDER WHO MEETS THE
22 REQUIREMENTS OF SUBSECTION (13) may petition the court under ~~this~~
23 ~~section~~ THAT SUBSECTION for an order allowing him or her to
24 ~~register~~ DISCONTINUE REGISTRATION under this act. ~~as provided in~~
25 ~~section 8d(1).~~

26 (3) AN INDIVIDUAL CLASSIFIED AS A TIER I, TIER II, OR TIER III
27 OFFENDER WHO MEETS THE REQUIREMENTS OF SUBSECTION (14) OR (15) MAY

1 PETITION THE COURT UNDER THAT SUBSECTION FOR AN ORDER ALLOWING HIM
2 OR HER TO DISCONTINUE REGISTRATION UNDER THIS ACT.

3 (4) ~~(3)~~—This section is the sole means by which an individual
4 may obtain judicial review of his or her registration requirements
5 under this act. This subsection does not prohibit an appeal of the
6 conviction or sentence as otherwise provided by law or court rule.

7 ~~——(4)~~—A petition filed under this section shall be filed in the
8 court in which the individual was convicted of committing the
9 listed offense. ~~A petition filed under subsection (1) shall be
10 filed before October 1, 2007 or within 3 years after the individual
11 is discharged from the jurisdiction of the juvenile court or, if
12 the individual was assigned to youthful trainee status, within 3
13 years after he or she has successfully completed youthful trainee
14 status, whichever is later, and, except as otherwise provided in
15 this subsection, the court shall not consider a petition filed by
16 the individual after that date. A petition filed under subsection
17 (2) shall not be filed before the individual's seventeenth birthday
18 or after the individual's twentieth birthday. If the individual is
19 charged in this state or elsewhere with committing, attempting to
20 commit, or conspiring to commit a felony, other than the felony for
21 which he or she has filed the petition for registration as provided
22 under section 8d, or an offense that if committed by an adult would
23 be a felony, the court may hold the petition in abeyance until the
24 charges are finally disposed of. If the court holds the petition in
25 abeyance, the 3 year limitation periods described in this
26 subsection begin to run when the period of abeyance has ended.~~

27 **HOWEVER, IF THE CONVICTION OCCURRED IN ANOTHER STATE OR COUNTRY AND**

1 THE INDIVIDUAL IS A RESIDENT OF THIS STATE, THE INDIVIDUAL MAY FILE
2 A PETITION IN THE CIRCUIT COURT IN THE COUNTY OF HIS OR HER
3 RESIDENCE FOR AN ORDER ALLOWING HIM OR HER TO DISCONTINUE
4 REGISTRATION UNDER THIS ACT ONLY. A petition shall not be filed
5 under this section if a previous petition was filed under this
6 section and was denied by the court after a hearing. ~~As used in~~
7 ~~this subsection, "felony" means a crime that is specifically~~
8 ~~designated to be a felony or that is punishable by imprisonment for~~
9 ~~more than 1 year.~~

10 (5) A petition filed under this section shall be made under
11 oath and shall contain all of the following:

12 (a) The name and address of the petitioner.

13 (b) A statement identifying the offense for which
14 ~~DISCONTINUATION FROM~~ registration ~~as provided in section 8d~~ is
15 being requested.

16 (c) A statement of whether the individual was previously
17 convicted of a listed offense for which registration is required
18 under this act.

19 ~~—— (d) A statement specifically stating that the individual is~~
20 ~~not disqualified under subsection (14) from filing a petition under~~
21 ~~this section.~~

22 (6) An individual who knowingly makes a false statement in a
23 petition filed under this section is guilty of perjury as
24 proscribed under section 423 of the Michigan penal code, 1931 PA
25 328, MCL 750.423.

26 (7) A copy of the petition shall be filed with the office of
27 the prosecuting attorney that prosecuted the case against the

1 individual **OR, FOR A CONVICTION THAT OCCURRED IN ANOTHER STATE OR**
2 **COUNTRY, THE PROSECUTING ATTORNEY FOR THE COUNTY OF HIS OR HER**
3 **RESIDENCE**, at least 30 days before a hearing is held on the
4 petition. The prosecuting attorney may appear and participate in
5 all proceedings regarding the petition and may seek appellate
6 review of any decision on the petition.

7 (8) If the name of the victim of the offense is known by the
8 prosecuting attorney, the prosecuting attorney shall provide the
9 victim with written notice that a petition has been filed and shall
10 provide the victim with a copy of the petition. The notice shall be
11 sent by first-class mail to the victim's last known address. The
12 petition shall include a statement of the victim's rights under
13 subsection ~~(11)~~ **(10)**.

14 ~~—— (9) If an individual petitions the court under subsection (1)~~
15 ~~or (2) for an offense described in subsection (15) (a) or (b) and~~
16 ~~the individual is not on the database maintained under section 8(2)~~
17 ~~at the time the petition is filed, the court may order the~~
18 ~~department not to place the individual on that database during the~~
19 ~~period in which the court is considering whether to grant the~~
20 ~~petition as follows:~~

21 ~~—— (a) Except as provided in subdivision (b), for a period of 30~~
22 ~~days after the date the order is issued or as provided by the~~
23 ~~court, whichever occurs first.~~

24 ~~—— (b) If jurisdiction is continued by the court past the~~
25 ~~individual's seventeenth birthday, during the period in which~~
26 ~~jurisdiction is continued. The court shall notify the department of~~
27 ~~the order as required under section 8d.~~

1 (9) ~~(10)~~—If an individual properly files a petition with the
2 court under this section, the court shall conduct a hearing on the
3 petition as provided in this section.

4 (10) ~~(11)~~—The victim has the right to attend all proceedings
5 under this section and to make a written or oral statement to the
6 court before any decision regarding the petition is made. A victim
7 shall not be required to appear at any proceeding under this
8 section against his or her will.

9 (11) ~~(12)~~—The court shall consider all of the following in
10 determining whether to allow the individual to ~~register~~—**DISCONTINUE**
11 **REGISTRATION** under ~~this act as provided in section 8d~~—**SUBSECTION**
12 **(12) OR (13) BUT SHALL NOT GRANT THE PETITION IF THE COURT**
13 **DETERMINES THAT THE INDIVIDUAL IS A CONTINUING THREAT TO THE**
14 **PUBLIC:**

15 (a) The individual's age and level of maturity at the time of
16 the offense.

17 (b) The victim's age and level of maturity at the time of the
18 offense.

19 (c) The nature of the offense.

20 (d) The severity of the offense.

21 (e) The individual's prior juvenile or criminal history.

22 (f) The individual's likelihood to commit further listed
23 offenses.

24 (g) Any impact statement submitted by the victim under the
25 **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL
26 780.751 to 780.834, or under this section.

27 (h) Any other information considered relevant by the court.

1 ~~—— (13) If the court determines that the individual meets the~~
2 ~~criteria for registration under section 8d, the court may order the~~
3 ~~individual to register under this act as provided in that section.~~

4 ~~—— (14) The court shall not grant a petition filed under this~~
5 ~~section if any of the following apply:~~

6 ~~—— (a) The individual was previously convicted of a listed~~
7 ~~offense for which registration is required under this act.~~

8 ~~—— (b) The individual fails to carry the burden of proving by~~
9 ~~clear and convincing evidence that he or she is not likely to~~
10 ~~commit further listed offenses.~~

11 ~~—— (c) The court determines that the offense involved any of the~~
12 ~~following:~~

13 ~~—— (i) A factor set forth in section 520b(1) (b) to (h) of the~~
14 ~~Michigan penal code, 1931 PA 328, MCL 750.520b.~~

15 ~~—— (ii) A factor set forth in section 520c(1) (b) to (l) of the~~
16 ~~Michigan penal code, 1931 PA 328, MCL 750.520c.~~

17 ~~—— (iii) A factor set forth in section 520d(1) (b) to (e) of the~~
18 ~~Michigan penal code, 1931 PA 328, MCL 750.520d.~~

19 ~~—— (iv) A factor set forth in section 520e(1) (b) to (f) of the~~
20 ~~Michigan penal code, 1931 PA 328, MCL 750.520e.~~

21 ~~—— (d) The individual is charged in this state or elsewhere with~~
22 ~~committing, attempting to commit, or conspiring to commit a felony,~~
23 ~~other than the felony for which he or she has filed the petition~~
24 ~~for registration as provided under section 8d, or an offense that~~
25 ~~if committed by an adult would be a felony. This subsection does~~
26 ~~not prohibit the court from holding the petition in abeyance under~~
27 ~~subsection (4). As used in this subdivision, "felony" means a crime~~

1 ~~specifically designated to be a felony or that is punishable by~~
2 ~~imprisonment for more than 1 year.~~

3 ~~—— (c) The individual was sentenced for the offense as an adult.~~
4 ~~This subdivision does not apply to an individual described in~~
5 ~~subsection (15)(c) who successfully completed his or her~~
6 ~~probationary period and was discharged from youthful trainee~~
7 ~~status.~~

8 ~~—— (15) The right to petition under this section applies to all~~
9 ~~of the following individuals:~~

10 ~~—— (a) An individual who is convicted as a juvenile under section~~
11 ~~520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL~~
12 ~~750.520b, 750.520c, and 750.520d, of committing, attempting to~~
13 ~~commit, or conspiring to commit a violation solely described in~~
14 ~~section 520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal~~
15 ~~code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, if either~~
16 ~~of the following applies:~~

17 ~~—— (i) The individual was under 13 years of age when he or she~~
18 ~~committed the offense and is not more than 5 years older than the~~
19 ~~victim.~~

20 ~~—— (ii) The individual was 13 years of age or older but less than~~
21 ~~17 years of age when he or she committed the offense and is not~~
22 ~~more than 3 years older than the victim.~~

23 ~~—— (b) An individual who was charged under section 520b, 520c, or~~
24 ~~520d of the Michigan penal code, 1931 PA 328, MCL 750.520b,~~
25 ~~750.520c, and 750.520d, with committing, attempting to commit, or~~
26 ~~conspiring to commit a violation solely described in section~~
27 ~~520b(1)(a), 520c(1)(a), or 520d(1)(a) of the Michigan penal code,~~

1 ~~1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, and is convicted~~
 2 ~~as a juvenile of violating, attempting to violate, or conspiring to~~
 3 ~~violate section 520e or 520g of the Michigan penal code, 1931 PA~~
 4 ~~328, MCL 750.520e and 750.520g, if either of the following applies:~~

5 ~~—— (i) The individual was under 13 years of age when he or she~~
 6 ~~committed the offense and is not more than 5 years older than the~~
 7 ~~victim.~~

8 ~~—— (ii) The individual was 13 years of age or older but less than~~
 9 ~~17 years of age when he or she committed the offense and is not~~
 10 ~~more than 3 years older than the victim.~~

11 ~~—— (c) An individual who has successfully completed his or her~~
 12 ~~probationary period under sections 11 to 15 of chapter II of the~~
 13 ~~code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, for~~
 14 ~~committing a listed offense, and has been discharged from youthful~~
 15 ~~trainee status.~~

16 (12) THE COURT MAY GRANT A PETITION PROPERLY FILED BY AN
 17 INDIVIDUAL UNDER SUBSECTION (1) IF ALL OF THE FOLLOWING APPLY:

18 (A) TEN OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF HIS OR
 19 HER CONVICTION FOR THE LISTED OFFENSE OR FROM HIS OR HER RELEASE
 20 FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER OCCURRED
 21 LAST.

22 (B) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY FELONY SINCE
 23 THE DATE DESCRIBED IN SUBDIVISION (A).

24 (C) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY LISTED
 25 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (A).

26 (D) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
 27 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT

1 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR
2 PAROLE.

3 (E) THE PETITIONER SUCCESSFULLY COMPLETED A SEX OFFENDER
4 TREATMENT PROGRAM CERTIFIED BY THE UNITED STATES ATTORNEY GENERAL
5 UNDER 42 USC 16915(B)(1), OR ANOTHER APPROPRIATE SEX OFFENDER
6 TREATMENT PROGRAM. THE COURT MAY WAIVE THE REQUIREMENTS OF THIS
7 SUBDIVISION IF SUCCESSFULLY COMPLETING A SEX OFFENDER TREATMENT
8 PROGRAM WAS NOT A CONDITION OF THE PETITIONER'S CONFINEMENT,
9 RELEASE, PROBATION, OR PAROLE.

10 (13) THE COURT MAY GRANT A PETITION PROPERLY FILED BY AN
11 INDIVIDUAL UNDER SUBSECTION (2) IF ALL OF THE FOLLOWING APPLY:

12 (A) THE PETITIONER IS REQUIRED TO REGISTER BASED ON AN ORDER
13 OF DISPOSITION ENTERED UNDER SECTION 18 OF CHAPTER XIIIA OF THE
14 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18, THAT IS OPEN TO THE
15 GENERAL PUBLIC UNDER SECTION 28 OF CHAPTER XIIIA OF THE PROBATE CODE
16 OF 1939, 1939 PA 288, MCL 712A.28.

17 (B) TWENTY-FIVE OR MORE YEARS HAVE ELAPSED SINCE THE DATE OF
18 HIS OR HER ADJUDICATION FOR THE LISTED OFFENSE OR FROM HIS OR HER
19 RELEASE FROM ANY PERIOD OF CONFINEMENT FOR THAT OFFENSE, WHICHEVER
20 OCCURRED LAST.

21 (C) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY FELONY SINCE
22 THE DATE DESCRIBED IN SUBDIVISION (B).

23 (D) THE PETITIONER HAS NOT BEEN CONVICTED OF ANY LISTED
24 OFFENSE SINCE THE DATE DESCRIBED IN SUBDIVISION (B).

25 (E) THE PETITIONER SUCCESSFULLY COMPLETED HIS OR HER ASSIGNED
26 PERIODS OF SUPERVISED RELEASE, PROBATION, OR PAROLE WITHOUT
27 REVOCATION AT ANY TIME OF THAT SUPERVISED RELEASE, PROBATION, OR

1 PAROLE.

2 (F) THE COURT DETERMINES THAT THE PETITIONER SUCCESSFULLY
3 COMPLETED A SEX OFFENDER TREATMENT PROGRAM CERTIFIED BY THE UNITED
4 STATES ATTORNEY GENERAL UNDER 42 USC 16915(B)(1), OR ANOTHER
5 APPROPRIATE SEX OFFENDER TREATMENT PROGRAM. THE COURT MAY WAIVE THE
6 REQUIREMENTS OF THIS SUBDIVISION IF SUCCESSFULLY COMPLETING A SEX
7 OFFENDER TREATMENT PROGRAM WAS NOT A CONDITION OF THE PETITIONER'S
8 CONFINEMENT, RELEASE, PROBATION, OR PAROLE.

9 (14) THE COURT SHALL GRANT A PETITION PROPERLY FILED BY AN
10 INDIVIDUAL UNDER SUBSECTION (3) IF THE COURT DETERMINES THAT THE
11 CONVICTION FOR THE LISTED OFFENSE WAS THE RESULT OF A CONSENSUAL
12 SEXUAL ACT BETWEEN THE PETITIONER AND THE VICTIM AND ANY OF THE
13 FOLLOWING APPLY:

14 (A) ALL OF THE FOLLOWING:

15 (i) THE VICTIM WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 16
16 YEARS OF AGE AT THE TIME OF THE OFFENSE.

17 (ii) THE PETITIONER IS NOT MORE THAN 4 YEARS OLDER THAN THE
18 VICTIM.

19 (B) ALL OF THE FOLLOWING:

20 (i) THE INDIVIDUAL WAS CONVICTED OF A VIOLATION OF SECTION 158,
21 338, 338A, OR 338B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
22 750.158, 750.338, 750.338A, AND 750.338B.

23 (ii) THE VICTIM WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 16
24 YEARS OF AGE AT THE TIME OF THE VIOLATION.

25 (iii) THE INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE
26 VICTIM.

27 (C) ALL OF THE FOLLOWING:

1 (i) THE INDIVIDUAL WAS CONVICTED OF A VIOLATION OF SECTION 158,
2 338, 338A, 338B, OR 520C(1) (I) OF THE MICHIGAN PENAL CODE, 1931 PA
3 328, MCL 750.158, 750.338, 750.338A, 750.338B, AND 750.520C.

4 (ii) THE VICTIM WAS 16 YEARS OF AGE OR OLDER AT THE TIME OF THE
5 VIOLATION.

6 (iii) THE VICTIM WAS NOT UNDER THE CUSTODIAL AUTHORITY OF THE
7 INDIVIDUAL AT THE TIME OF THE VIOLATION.

8 (15) THE COURT SHALL GRANT A PETITION PROPERLY FILED BY AN
9 INDIVIDUAL UNDER SUBSECTION (3) IF EITHER OF THE FOLLOWING APPLIES:

10 (A) BOTH OF THE FOLLOWING:

11 (i) THE PETITIONER WAS ADJUDICATED AS A JUVENILE.

12 (ii) THE PETITIONER WAS LESS THAN 14 YEARS OF AGE AT THE TIME
13 OF THE OFFENSE.

14 (B) THE INDIVIDUAL WAS REGISTERED UNDER THIS ACT BEFORE JULY
15 1, 2011 FOR AN OFFENSE THAT REQUIRED REGISTRATION BUT FOR WHICH
16 REGISTRATION IS NOT REQUIRED ON OR AFTER JULY 1, 2011.

17 ~~Sec. 8d. (1) An individual who petitions the court under~~
18 ~~section 8c to register as provided in this section shall register~~
19 ~~under this act as follows:~~

20 ~~—— (a) For a violation described in section 8c(15) (a) or (b), the~~
21 ~~individual shall register under this act until the petition is~~
22 ~~granted but is not subject to the requirements of section 8(2).~~

23 ~~—— (b) For a violation described in section 8c(15) (c) and for~~
24 ~~which the petition is granted, the individual shall register under~~
25 ~~this act for a period of 10 years after the date he or she~~
26 ~~initially registered or, if the individual was in a state~~
27 ~~correctional facility, for 10 years after he or she is released~~

1 ~~from that facility, whichever is greater, and is subject to the~~
2 ~~requirements of section 8(2) during that registration period.~~

3 ~~—— (2) If the court under section 8c orders an individual to~~
4 ~~register under this section pending the court's determination of~~
5 ~~the petition, the court shall promptly provide a copy of that order~~
6 ~~to the department and to the individual. If the department is~~
7 ~~provided with an order under this subsection for an individual~~
8 ~~described in section 8c(15) (a) or (b), the department shall not~~
9 ~~enter the individual's registration into the database maintained~~
10 ~~under section 8(2) until ordered by the court to do so or until~~
11 ~~expiration of the order, whichever occurs first.~~

12 ~~—— (3) If the court grants a petition filed under section 8c, the~~
13 ~~court shall promptly provide a copy of that order to the department~~
14 ~~and to the individual. If the department is provided with an order~~
15 ~~under this subsection for a violation described in section~~
16 ~~8c(15) (a) or (b), the department shall not enter the individual's~~
17 ~~registration into the database maintained under section 8(2) or, if~~
18 ~~the person is already registered, shall promptly remove that~~
19 ~~registration from the database maintained under section 8(2). The~~
20 ~~department shall promptly remove an individual's registration from~~
21 ~~the database maintained under section 8(1). upon expiration of the~~
22 ~~applicable registration period described in subsection (1) or (2)~~
23 ~~as provided in those subsections.~~

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

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

5 (b) If the individual has 1 prior conviction for a violation
6 of this act, ~~either than a failure to comply with section 5a, by~~
7 imprisonment for not more than 7 years or a fine of not more than
8 \$5,000.00, or both.

9 (c) If the individual has 2 or more prior convictions for
10 violations of this act, ~~either than a failure to comply with section~~
11 ~~5a, by~~ imprisonment for not more than 10 years or a fine of not
12 more than \$10,000.00, or both.

13 (2) An individual who fails to comply with section 5a, other
14 than payment of the fee required under section ~~5a(7)~~**5A(6)**, is
15 guilty of a ~~crime punishable as follows:~~ **MISDEMEANOR PUNISHABLE BY**
16 **IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN**
17 **\$2,000.00, OR BOTH.**

18 ~~—— (a) If the individual has no prior convictions for a violation~~
19 ~~of this act, the individual is guilty of a misdemeanor punishable~~
20 ~~by imprisonment for not more than 93 days or a fine of not more~~
21 ~~than \$1,000.00, or both.~~

22 ~~—— (b) If the individual has 1 prior conviction for a violation~~
23 ~~of this act, the individual is guilty of a misdemeanor punishable~~
24 ~~by imprisonment for not more than 1 year or a fine of not more than~~
25 ~~\$2,000.00, or both.~~

26 ~~—— (c) If the individual has 2 or more prior convictions for a~~
27 ~~violation of this act, the individual is guilty of a felony~~

1 ~~punishable by imprisonment for not more than 4 years or a fine of~~
2 ~~not more than \$2,500.00, or both.~~

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

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

12 (5) The court shall revoke the probation of an individual
13 placed on probation who willfully violates this act.

14 (6) The court shall revoke the youthful trainee status of an
15 individual assigned to youthful trainee status who willfully
16 violates this act.

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

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

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

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

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

25 Sec. 10. (1) Except as provided in this act, a registration or
26 report is confidential and information from that registration or
27 report shall not be open to inspection except for law enforcement

1 purposes. The registration or report and all included materials and
2 information are exempt from disclosure under section 13 of the
3 freedom of information act, 1976 PA 442, MCL 15.243.

4 (2) A department post, local law enforcement agency, or
5 sheriff's department shall make information from the ~~compilation~~
6 **PUBLIC INTERNET WEBSITE** described in section 8(2) for the ~~zip code~~
7 **DESIGNATED** areas located in whole or in part within the post's,
8 agency's, or sheriff's department's jurisdiction available for
9 public inspection during regular business hours. A department post,
10 local law enforcement agency, or sheriff's department is not
11 required to make a copy of the information for a member of the
12 public.

13 (3) The department may make information from the ~~compilation~~
14 **PUBLIC INTERNET WEBSITE** described in section 8(2) available to the
15 public through electronic, computerized, or other accessible means.
16 The department shall provide for notification by electronic or
17 computerized means to any member of the public who has subscribed
18 in a manner required by the department when an individual who is
19 the subject of the ~~compilation~~**PUBLIC INTERNET WEBSITE** described in
20 section 8(2) initially registers under this act, or changes his or
21 her registration under this act, to a location that is in a ~~zip~~
22 ~~code~~**DESIGNATED** area **OR GEOGRAPHIC RADIUS** designated by the
23 subscribing member of the public.

24 (4) Except as provided in this act, an individual other than
25 the registrant who knows of a registration or report under this act
26 and who divulges, uses, or publishes nonpublic information
27 concerning the registration or report in violation of this act is

1 guilty of a misdemeanor punishable by imprisonment for not more
2 than 93 days or a fine of not more than \$1,000.00, or both.

3 (5) An individual whose registration or report is revealed in
4 violation of this act has a civil cause of action against the
5 responsible party for treble damages.

6 (6) Subsections (4) and (5) do not apply to the ~~compilation~~
7 **PUBLIC INTERNET WEBSITE** described in section 8(2) or information
8 from that ~~compilation~~**PUBLIC INTERNET WEBSITE** that is provided or
9 made available under section 8(2) or under subsection (2) or (3).

10 Enacting section 1. Sections 11 and 12 of the sex offenders
11 registration act, 1994 PA 295, MCL 28.731 and 28.732, are repealed.

12 Enacting section 2. This amendatory act takes effect July 1,
13 2011.

14 Enacting section 3. This amendatory act does not take effect
15 unless Senate Bill No. 188 of the 96th Legislature is enacted into
16 law.