

HOUSE BILL No. 5539

May 6, 2014, Introduced by Reps. Durhal, Phelps, Brunner, Smiley, Cavanagh, Townsend, Faris, Tlaib, Rutledge, Roberts, Zemke, Stallworth, Lori, Jacobsen, Stanley, Talabi and Greimel and referred to the Committee on Judiciary.

A bill to require persons convicted of certain stalking offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "stalker offender registration act".

3 Sec. 2. As used in this act:

4 (a) "Convicted" means 1 of the following:

5 (i) Having a judgment of conviction or a probation order
6 entered in any court having jurisdiction over criminal offenses,
7 including, but not limited to, a tribal court or a military

1 court, and including a conviction subsequently set aside under
2 1965 PA 213, MCL 780.621 to 780.624.

3 (ii) Either of the following:

4 (A) Being assigned to youthful trainee status under sections
5 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
6 175, MCL 762.11 to 762.15, before October 1, 2004.

7 (B) Being assigned to youthful trainee status under sections
8 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
9 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
10 individual's status of youthful trainee is revoked and an
11 adjudication of guilt is entered.

12 (iii) Having an order of disposition entered under section 18
13 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
14 712A.18, that is open to the general public under section 28 of
15 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
16 712A.28.

17 (iv) Having an order of disposition or other adjudication in
18 a juvenile matter in another state or country.

19 (b) "Department" means the department of state police.

20 (c) "Institution of higher education" means 1 or more of the
21 following:

22 (i) A public or private community college, college, or
23 university.

24 (ii) A public or private trade, vocational, or occupational
25 school.

26 (d) "Local law enforcement agency" means the police
27 department of a municipality.

1 (e) "Municipality" means a city, village, or township of
2 this state.

3 (f) "Residence", as used in this act, for registration and
4 voting purposes means that place at which a person habitually
5 sleeps, keeps his or her personal effects, and has a regular
6 place of lodging. If a person has more than 1 residence, or if a
7 wife has a residence separate from that of the husband, that
8 place at which the person resides the greater part of the time
9 shall be his or her official residence for the purposes of this
10 act. This section shall not be construed to affect existing
11 judicial interpretation of the term residence.

12 (g) "Stalking offense" means either of the following:

13 (i) A felony violation of section 411h or 411i of the
14 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

15 (ii) An offense substantially similar to an offense described
16 in subparagraph (i) under a law of the United States, any state,
17 or any country or under tribal or military law.

18 (h) "Stalking offender" means an individual convicted of a
19 stalking offense.

20 (i) "Student" means an individual enrolled on a full- or
21 part-time basis in a public or private educational institution,
22 including, but not limited to, a secondary school, trade school,
23 professional institution, or institution of higher education.

24 Sec. 3. The following individuals who are domiciled or
25 temporarily reside in this state for 14 or more consecutive days,
26 who work with or without compensation or are students in this
27 state for 14 or more consecutive days, or who are domiciled,

1 reside, or work with or without compensation or are students in
2 this state for 30 or more total days in a calendar year are
3 required to be registered under this act:

4 (a) An individual who is convicted of a stalking offense
5 after July 1, 2014.

6 (b) An individual convicted of a stalking offense on or
7 before July 1, 2014 if on July 1, 2014 he or she is on probation
8 or parole, committed to jail, committed to the jurisdiction of
9 the department of corrections, or under the jurisdiction of the
10 juvenile division of the probate court or the department of human
11 services for that offense or is placed on probation or parole,
12 committed to jail, committed to the jurisdiction of the
13 department of corrections, placed under the jurisdiction of the
14 juvenile division of the probate court or family division of
15 circuit court, or committed to the department of human services
16 after July 1, 2014 for that offense.

17 (c) An individual convicted of a stalking offense on or
18 before July 1, 2014 if on July 1, 2014 he or she is on probation
19 or parole that has been transferred to this state for that
20 offense or his or her probation or parole is transferred to this
21 state after July 1, 2014 for that offense.

22 (d) An individual from another state who is required to
23 register or otherwise be identified as a stalking offender under
24 a comparable statute of that state.

25 Sec. 4. (1) Registration of an individual under this act
26 shall proceed as provided in this section.

27 (2) For an individual convicted of a stalking offense on or

1 before July 1, 2014 who on or before July 1, 2014 is sentenced
2 for that offense, has a disposition entered for that offense, or
3 is assigned to youthful trainee status for that offense, the
4 following shall register the individual by September 1, 2014:

5 (a) If the individual is on probation for a stalking
6 offense, the individual's probation officer.

7 (b) If the individual is committed to jail for the stalking
8 offense, the sheriff or his or her designee.

9 (c) If the individual is under the jurisdiction of the
10 department of corrections for the stalking offense, the
11 department of corrections.

12 (d) If the individual is on parole for the stalking offense,
13 the individual's parole officer.

14 (e) If the individual is within the jurisdiction of the
15 juvenile division of the probate court or the department of human
16 services under an order of disposition for the stalking offense,
17 the juvenile division of the probate court or the department of
18 social services.

19 (3) Except as provided in subsection (4), for an individual
20 convicted of a stalking offense on or before July 1, 2014:

21 (a) If the individual is sentenced for that offense after
22 July 1, 2014 or assigned to youthful trainee status after July 1,
23 2014, the probation officer shall register the individual before
24 sentencing or assignment.

25 (b) If the individual's probation or parole is transferred
26 to this state after July 1, 2014, the probation or parole officer
27 shall register the individual within 14 days after the transfer.

1 (c) If the individual is placed within the jurisdiction of
2 the juvenile division of the probate court or family division of
3 circuit court or committed to the department of human services
4 under an order of disposition entered after July 1, 2014, the
5 juvenile division of the probate court or family division of
6 circuit court shall register the individual before the order of
7 disposition is entered.

8 (4) Subject to section 3, an individual convicted of a
9 stalking offense in this state after July 1, 2014 shall register
10 before sentencing, entry of the order of disposition, or
11 assignment to youthful trainee status. The probation officer or
12 the family division of circuit court shall give the individual
13 the registration form after the individual is convicted, explain
14 the duty to register and to pay a registration fee, to verify his
15 or her address, and to provide notice of address changes, and
16 accept the completed registration for processing under section 6.
17 The court shall not impose sentence, enter the order of
18 disposition, or assign the individual to youthful trainee status,
19 until it determines that the individual's registration was
20 forwarded to the department as required under section 6.

21 (5) All of the following shall register with the local law
22 enforcement agency, sheriff's department, or the department
23 within 14 days after becoming domiciled or temporarily residing,
24 working, or being a student in this state for the periods
25 specified in section 3:

26 (a) Subject to section 3, an individual convicted of a
27 stalking offense in another state or country after July 1, 2014.

1 (b) An individual required to be registered as a stalking
2 offender in another state or country regardless of when the
3 conviction was entered.

4 Sec. 4a. (1) An individual required to be registered under
5 this act who is not a resident of this state shall report his or
6 her status in person to the local law enforcement agency or
7 sheriff's department having jurisdiction over a campus of an
8 institution of higher education, or to the department post
9 nearest to that campus, if any of the following occur:

10 (a) Regardless of whether he or she is financially
11 compensated or receives any governmental or educational benefit,
12 the individual is or becomes a full- or part-time employee,
13 contractual provider, or volunteer with that institution of
14 higher education and his or her position will require that he or
15 she be present on that campus for 14 or more consecutive days or
16 30 or more total days in a calendar year.

17 (b) The individual is or becomes an employee of a
18 contractual provider described in subdivision (a) and his or her
19 position will require that he or she be present on that campus
20 for 14 or more consecutive days or 30 or more total days in a
21 calendar year.

22 (c) The status described in subdivision (a) or (b) is
23 discontinued.

24 (d) The individual changes the campus on which he or she is
25 an employee, a contractual provider, an employee of a contractual
26 provider, or a volunteer as described in subdivision (a) or (b).

27 (e) The individual is or enrolls as a student with that

1 institution of higher education or the individual discontinues
2 that enrollment.

3 (f) As part of his or her course of studies at an
4 institution of higher education in this state, the individual is
5 present at any other location in this state, another state, a
6 territory or possession of the United States, or another country
7 for 14 or more consecutive days or 30 or more total days in a
8 calendar year, or the individual discontinues his or her studies
9 at that location.

10 (2) An individual required to be registered under this act
11 who is a resident of this state shall report his or her status in
12 person to the local law enforcement agency or sheriff's
13 department having jurisdiction where his or her new residence or
14 domicile is located or the department post nearest to the
15 individual's new residence or domicile, if any of the events
16 described under subsection (1) occur.

17 (3) The report required under subsections (1) and (2) shall
18 be made within 10 days after the individual becomes an employee,
19 a contractual provider, an employee of a contractual provider, or
20 a volunteer on that campus, or discontinues that status, or
21 changes location, or within 10 days after he or she enrolls or
22 discontinues his or her enrollment as a student on that campus
23 including study in this state or another state, a territory or
24 possession of the United States, or another country.

25 (4) The additional registration reports required under this
26 section shall be made in the time periods described in section 5a
27 for reports under that section.

1 (5) The local law enforcement agency, sheriff's department,
2 or department post to which an individual reports under this
3 section shall require the individual to pay the registration fee
4 required under section 5a or section 7(1) and to present written
5 documentation of employment status, contractual relationship,
6 volunteer status, or student status. Written documentation under
7 this subsection may include, but need not be limited to, any of
8 the following:

9 (a) A W-2 form, pay stub, or written statement by an
10 employer.

11 (b) A contract.

12 (c) A student identification card or student transcript.

13 Sec. 5. (1) An individual required to be registered under
14 this act shall notify the local law enforcement agency or
15 sheriff's department having jurisdiction where his or her new
16 residence or domicile is located or the department post of the
17 individual's new residence or domicile within 10 days after the
18 individual changes or vacates his or her residence, domicile, or
19 place of work or education, including any change required to be
20 reported under section 4a.

21 (2) If an individual who is incarcerated in a state
22 correctional facility and is required to be registered under this
23 act is granted parole or is due to be released upon completion of
24 his or her maximum sentence, the department of corrections,
25 before releasing the individual, shall provide notice of the
26 location of the individual's proposed place of residence or
27 domicile to the sheriff's department having jurisdiction over

1 that location or to the appropriate state police department post.

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

8 (a) The individual is transferred to a community residential
9 program.

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

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

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

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

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

8 (7) Except as provided in subsection (8), an individual
9 shall comply with this section for 25 years after the date of
10 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 (8) An individual shall comply with this section for life if
14 the individual is convicted of any of the following violations if
15 that violation involved a stalking offense or a substantially
16 similar violation under a law of the United States, any state, or
17 any country or under tribal or military law that involved a
18 stalking offense:

19 (a) Section 83 of the Michigan penal code, 1931 PA 328, MCL
20 750.83 (assault with intent to commit murder).

21 (b) Section 91 of the Michigan penal code, 1931 PA 328, MCL
22 750.91 (attempted murder).

23 (c) Section 316 of the Michigan penal code, 1931 PA 328, MCL
24 750.316 (first degree murder).

25 (d) Section 317 of the Michigan penal code, 1931 PA 328, MCL
26 750.317 (second degree murder).

27 (e) Section 321 of the Michigan penal code, 1931 PA 328, MCL

1 750.321 (manslaughter).

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

4 Sec. 5a. (1) The department shall mail a notice to each
5 individual registered under this act who is not in a state
6 correctional facility explaining the individual's duties under
7 this act as amended.

8 (2) Upon the release of an individual registered under this
9 act who is in a state correctional facility, the department of
10 corrections shall provide written notice to that individual
11 explaining his or her duties under this section and this act as
12 amended and the procedure for registration, notification, and
13 verification and payment of the registration fee prescribed under
14 subsection (6) or section 7(1). The individual shall sign and
15 date the notice. The department of corrections shall maintain a
16 copy of the signed and dated notice in the individual's file. The
17 department of corrections shall forward the original notice to
18 the department immediately, regardless of whether the individual
19 signs it.

20 (3) Subject to subsection (4), an individual required to be
21 registered under this act who is not incarcerated shall report in
22 person to the registering authority where he or she is domiciled
23 or resides for verification of domicile or residence as follows:

24 <u>Birth Month</u>	<u>Reporting Months</u>
25 January	January and July
26 February	February and August
27 March	March and September

1	April	April and October
2	May	May and November
3	June	June and December
4	July	January and July
5	August	February and August
6	September	March and September
7	October	April and October
8	November	May and November
9	December	June and December

10 (4) A report under subsection (3) shall be made no earlier
11 than the first day or later than the last day of the month in
12 which the individual is required to report. However, if the
13 registration period for that individual expires during the month
14 in which he or she is required to report under this section, the
15 individual shall report during that month on or before the date
16 his or her registration period expires. When an individual
17 reports under subsection (3), the individual shall review all
18 registration information for accuracy.

19 (5) When an individual reports under subsection (3), an
20 officer or authorized employee of the registering authority shall
21 verify the individual's residence or domicile and any information
22 required to be reported under section 4a. The officer or
23 authorized employee shall also determine whether the individual's
24 photograph required under this act matches the appearance of the
25 individual sufficiently to properly identify him or her from that
26 photograph. If not, the officer or authorized employee shall
27 require the individual to immediately obtain a current photograph

1 under this section. When all of the verification information has
2 been provided, the officer or authorized employee shall review
3 that information with the individual and make any corrections,
4 additions, or deletions the officer or authorized employee
5 determines are necessary based on the review. The officer or
6 authorized employee shall sign and date a verification receipt.
7 The officer or authorized employee shall give a copy of the
8 signed receipt showing the date of verification to the
9 individual. The officer or authorized employee shall forward
10 verification information to the department in the manner the
11 department prescribes. The department shall revise the law
12 enforcement database and public internet website maintained under
13 section 8 as necessary and shall indicate verification in the
14 public internet website maintained under section 8(2).

15 (6) Except as otherwise provided in section 5b, an
16 individual who reports as prescribed under subsection (3) shall
17 pay a \$50.00 registration fee as follows:

18 (a) Upon initial registration.

19 (b) Annually following the year of initial registration. The
20 payment of the registration fee under this subdivision shall be
21 made at the time the individual reports in the first reporting
22 month for that individual as set forth in subsection (3) of each
23 year in which the fee applies, unless an individual elects to
24 prepay an annual registration fee for any future year for which
25 an annual registration fee is required. Prepaying any annual
26 registration fee shall not change or alter the requirement of an
27 individual to report as set forth in subsection (3). The

1 registration fee required to be paid under this subdivision shall
2 not be prorated on grounds that the individual will complete his
3 or her registration period after the month in which the fee is
4 due.

5 (c) The sum of the amounts required to be paid under
6 subdivisions (a) and (b) shall not exceed \$550.00.

7 (7) An individual required to be registered under this act
8 shall maintain either a valid operator's or chauffeur's license
9 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
10 257.923, or an official state personal identification card issued
11 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
12 current address. The license or card may be used as proof of
13 domicile or residence under this section. In addition, the
14 officer or authorized employee may require the individual to
15 produce another document bearing his or her name and address,
16 including, but not limited to, voter registration or a utility or
17 other bill. The department may specify other satisfactory proof
18 of domicile or residence.

19 (8) An individual registered under this act who is
20 incarcerated shall report to the secretary of state under this
21 subsection immediately after he or she is released to have his or
22 her digitalized photograph taken. The individual is not required
23 to report under this subsection if he or she had a digitized
24 photograph taken for an operator's or chauffeur's license or
25 official state personal identification card within 2 years before
26 he or she is released unless his or her appearance has changed
27 from the date of that photograph. Unless the person is a

1 nonresident, the photograph shall be used on the individual's
2 operator's or chauffeur's license or official state personal
3 identification card. The individual shall have a new photograph
4 taken when he or she renews the license or identification card as
5 provided by law, or as otherwise provided in this act. The
6 secretary of state shall make the digitized photograph available
7 to the department for a registration under this act.

8 (9) If an individual does not report under this section or
9 under section 4a, the department shall notify all registering
10 authorities as provided in section 8a and initiate enforcement
11 action as set forth in that section.

12 (10) The department shall prescribe the form for the notices
13 and verification procedures required under this section.

14 Sec. 5b. (1) Of the money collected by a court, local law
15 enforcement agency, sheriff's department, or department post from
16 each registration fee prescribed under this act, \$25.00 shall be
17 forwarded to the department, which shall deposit the money in the
18 stalking offender registration fund created under subsection (2),
19 and \$10.00 shall be retained by the court, local law enforcement
20 agency, sheriff's department, or department post.

21 (2) The stalking offender registration fund is created as a
22 separate fund in the department of treasury. The state treasurer
23 shall credit the money received from the payment of the
24 registration fee prescribed under this act to the stalking
25 offender registration fund. Money credited to the fund shall only
26 be used by the department for training concerning, and the
27 maintenance and automation of, the databases, compilation, and

1 information required under section 8. Money in the stalking
2 offender registration fund at the close of the fiscal year shall
3 remain in the fund and shall not lapse to the general fund.

4 (3) If an individual required to pay a registration fee
5 under this act is indigent, the registration fee shall be
6 temporarily waived. The burden is on the individual claiming
7 indigence to prove the fact of indigence to the satisfaction of
8 the local law enforcement agency, sheriff's department, or
9 department post where the individual is reporting.

10 (4) Payment of the registration fee prescribed under this
11 act shall be made in the form and by means prescribed by the
12 department. Upon payment of the registration fee prescribed under
13 this act, the officer or employee shall forward verification of
14 the payment to the department by the law enforcement information
15 network in the manner the department prescribes. The department
16 shall revise the databases maintained under section 8 as
17 necessary and shall indicate verification of payment in the
18 compilation under section 8(2).

19 Sec. 5c. The department of corrections shall not collect any
20 fee prescribed under this act.

21 Sec. 6. (1) The officer, court, or agency registering an
22 individual or receiving or accepting a registration under section
23 4 or receiving notice under section 5(1) shall provide the
24 individual with a copy of the registration or notification at the
25 time of registration or notice.

26 (2) The officer, court, or agency registering an individual
27 or receiving or accepting a registration under section 4 or

1 notified of an address change under section 5(1) shall forward
2 the registration or notification to the department by the law
3 enforcement information network within 3 business days after
4 registration or notification.

5 Sec. 7. (1) A registration under this act shall be made on a
6 form provided by the department and shall be forwarded to the
7 department in the format the department prescribes, along with a
8 \$35.00 registration fee for each original registration, except as
9 otherwise provided in section 5b. A registration shall contain
10 all of the following:

11 (a) The individual's name, social security number, date of
12 birth, and address or expected address. An individual who is in a
13 witness protection and relocation program is only required to use
14 the name and identifying information reflecting his or her new
15 identity in a registration under this act. The registration and
16 compilation databases shall not contain any information
17 identifying the individual's prior identity or locale. The
18 department shall request each individual to provide his or her
19 date of birth if it is not included in the registration, and that
20 individual shall comply with the request within 10 days.

21 (b) A brief summary of the individual's convictions for
22 stalking offenses regardless of when the conviction occurred,
23 including where the offense occurred and the original charge if
24 the conviction was for a lesser offense.

25 (c) A complete physical description of the individual.

26 (d) The photograph required under section 5a.

27 (e) The individual's fingerprints if not already on file

1 with the department. The department shall forward a copy of the
2 individual's fingerprints to the federal bureau of investigation
3 if not already on file with that bureau.

4 (f) Information that is required to be reported under
5 section 4a.

6 (2) A registration may contain the individual's blood type
7 and whether a DNA identification profile of the individual is
8 available.

9 (3) The form used for registration or verification under
10 this act shall contain a written statement that explains the duty
11 of the individual being registered to provide notice of a change
12 of address under section 5, the procedures for providing that
13 notice, and the verification procedures under section 5a.

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

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

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

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

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

6 Sec. 8. (1) The department shall maintain a computerized
7 database of registrations and notices required under this act.

8 (2) The department shall maintain a computerized database
9 separate from that described in subsection (1) to implement
10 section 10(2) and (3). Except as provided in subsection (3), the
11 database shall consist of a compilation of individuals registered
12 under this act.

13 (3) The database described in subsection (2) shall not
14 include an individual registered solely because he or she had 1
15 or more dispositions for a stalking offense entered under section
16 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
17 712A.18, in a case that was not designated as a case in which the
18 individual was to be tried in the same manner as an adult under
19 section 2d of chapter XIIA of the probate code of 1939, 1939 PA
20 288, MCL 712A.2d. The exclusion for juvenile dispositions does
21 not apply to a disposition for murder or manslaughter after the
22 individual becomes 18 years of age.

23 (4) The compilation of individuals shall be indexed
24 numerically by zip code area. Within each zip code area, the
25 compilation shall 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 stalking offense of which the individual has been
3 convicted.

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

7 (c) The photograph of each individual registered under this
8 act. The department shall obtain the photographs submitted under
9 section 5a from the secretary of state for purposes of
10 implementing this subdivision.

11 (5) The department shall update the compilation with new
12 registrations, deletions from registrations, and address changes
13 at the same time those changes are made to the database described
14 in subsection (1). The department shall make the compilation
15 available to each department post, local law enforcement agency,
16 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
20 the compilation in printed form for the zip code areas located in
21 whole or in part within the post's, agency's, or sheriff's
22 department's jurisdiction. The department shall provide the
23 ability to conduct a computerized search of the compilation based
24 upon the name and campus location of an institution of higher
25 education described in subsection (4)(b).

26 (6) The department shall make the compilation or information
27 from the compilation available to a department post, local law

1 enforcement agency, sheriff's department, and the public by
2 electronic, computerized, or other similar means accessible to
3 the post, agency, or sheriff's department. The electronic,
4 computerized, or other similar means shall provide for both a
5 search by name and by zip code.

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

13 Sec. 8a. (1) If an individual fails to register or to update
14 his or her registration information as required under this act,
15 the local law enforcement agency, sheriff's office, or department
16 post responsible for registering the individual or for verifying
17 and updating his or her registration information shall do all of
18 the following immediately after the date the individual was
19 required to register or to update his or her registration
20 information:

21 (a) Determine whether the individual has absconded or is
22 otherwise unlocatable.

23 (b) If the registering authority was notified by a
24 registration jurisdiction that the individual was to appear in
25 order to register or update his or her registration information
26 in the jurisdiction of the registering authority, notify the
27 department in a manner prescribed by the department that the

1 individual failed to appear as required.

2 (c) Revise the information in the registry to reflect that
3 the individual has absconded or is otherwise unlocatable.

4 (d) Seek a warrant for the individual's arrest if the legal
5 requirements for obtaining a warrant are satisfied.

6 (e) Enter the individual into the national crime information
7 center wanted person file if the requirements for entering
8 information into that file are met.

9 (2) If an individual fails to register or to update his or
10 her registration information as required under this act, the
11 department shall do all of the following immediately after being
12 notified by the registering authority that the individual failed
13 to appear as required:

14 (a) Notify that other registration jurisdiction that the
15 individual failed to appear as required.

16 (b) Notify the United States marshal's service in the manner
17 required by the United States marshal's service of the
18 individual's failure to appear as required.

19 (c) Update the stalking offender registry to reflect the
20 individual's status as an absconder or as unlocatable.

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

25 (a) If the individual has no prior convictions for a
26 violation of this act, other than a failure to comply with
27 section 5a, by imprisonment for not more than 4 years or a fine

1 of not more than \$2,000.00, or both.

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

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

10 (2) An individual who fails to comply with section 5a, other
11 than payment of the fee required under section 5a(6) is guilty of
12 a crime punishable as follows:

13 (a) If the individual has no prior convictions for a
14 violation of this act, the individual is guilty of a misdemeanor
15 punishable by imprisonment for not more than 93 days or a fine of
16 not more than \$1,000.00, or both.

17 (b) If the individual has 1 prior conviction for a violation
18 of this act, the individual is guilty of a misdemeanor punishable
19 by imprisonment for not more than 1 year or a fine of not more
20 than \$2,000.00, or both.

21 (c) If the individual has 2 or more prior convictions for a
22 violation of this act, the individual is guilty of a felony
23 punishable by imprisonment for not more than 4 years or a fine of
24 not more than \$2,500.00, or both.

25 (3) An individual who willfully fails to sign a
26 registration, notice, or verification as provided in section 7(4)
27 is guilty of a misdemeanor punishable by imprisonment for not

1 more than 93 days or a fine of not more than \$1,000.00, or both.

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

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

9 (6) The court shall revoke the youthful trainee status of an
10 individual assigned to youthful trainee status who willfully
11 violates this act.

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

14 (8) An individual's failure to register as required by this
15 act or a violation of section 5 may be prosecuted in the judicial
16 district of any of the following:

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

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

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

20 Sec. 10. (1) Except as provided in this act, a registration
21 or report is confidential and information from that registration
22 or report shall not be open to inspection except for law
23 enforcement purposes. The registration or report and all included
24 materials and information are exempt from disclosure under
25 section 13 of the freedom of information act, 1976 PA 442, MCL
26 15.243.

27 (2) A department post, local law enforcement agency, or

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

8 (3) The department may make information from the compilation
9 described in section 8(2) available to the public through
10 electronic, computerized, or other accessible means. The
11 department shall provide for notification by electronic or
12 computerized means to any member of the public who has subscribed
13 in a manner required by the department when an individual who is
14 the subject of the compilation described in section 8(2)
15 initially registers under this act, or changes his or her
16 registration under this act, to a location that is in a zip code
17 area designated by the subscribing member of the public.

18 (4) Except as provided in this act, an individual other than
19 the registrant who knows of a registration or report under this
20 act and who divulges, uses, or publishes nonpublic information
21 concerning the registration or report in violation of this act is
22 guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$1,000.00, or both.

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

27 (6) Subsections (4) and (5) do not apply to the compilation

1 described in section 8(2) or information from that compilation
2 that is provided or made available under section 8(2) or under
3 subsection (2) or (3).