

HOUSE BILL No. 4343

March 9, 2017, Introduced by Rep. Kosowski and referred to the Committee on Judiciary.

A bill to require persons convicted of child abuse 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 "child
2 abuse offender registration act".

3 Sec. 2. As used in this act:

4 (a) "Child abuse offense" means 1 or more of the following:

5 (i) A violation of section 136b of the Michigan penal code,
6 1931 PA 328, MCL 750.136b (child abuse).

7 (ii) A violation of 1 or more of the following committed
8 against a minor:

9 (A) Section 81 of the Michigan penal code, 1931 PA 328, MCL
10 750.81 (assault and battery).

1 (B) Section 81a of the Michigan penal code, 1931 PA 328, MCL
2 750.81a (aggravated assault and battery).

3 (C) Section 82 of the Michigan penal code, 1931 PA 328, MCL
4 750.82 (felonious assault).

5 (D) Section 83 of the Michigan penal code, 1931 PA 328, MCL
6 750.83 (assault with intent to commit murder).

7 (E) Section 84 of the Michigan penal code, 1931 PA 328, MCL
8 750.84 (assault with intent to do great bodily harm less than
9 murder).

10 (F) Section 85 of the Michigan penal code, 1931 PA 328, MCL
11 750.85 (torture).

12 (G) Section 86 of the Michigan penal code, 1931 PA 328, MCL
13 750.86 (assault with intent to maim).

14 (H) Section 91 of the Michigan penal code, 1931 PA 328, MCL
15 750.91 (attempted murder).

16 (I) Section 316 of the Michigan penal code, 1931 PA 328, MCL
17 750.316 (first degree murder).

18 (J) Section 317 of the Michigan penal code, 1931 PA 328, MCL
19 750.317 (second degree murder).

20 (K) Section 321 of the Michigan penal code, 1931 PA 328, MCL
21 750.321 (manslaughter).

22 (iii) Any other violation of a law of this state or a local
23 ordinance of a municipality that by its nature constitutes a child
24 abuse offense against an individual who is less than 18 years of
25 age.

26 (iv) An attempt or conspiracy to commit an offense described
27 in subparagraphs (i) to (iii).

1 (v) An offense substantially similar to an offense described
2 in subparagraphs (i) to (iv) under a law of the United States, any
3 state, or any country or under tribal or military law.

4 (b) "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 court,
8 and including a conviction subsequently set aside under 1965 PA
9 213, MCL 780.621 to 780.624.

10 (ii) Either of the following:

11 (A) Being assigned to youthful trainee status under sections
12 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
13 175, MCL 762.11 to 762.15, before October 1, 2004.

14 (B) Being assigned to youthful trainee status under sections
15 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
16 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
17 individual's status of youthful trainee is revoked and an
18 adjudication of guilt is entered.

19 (iii) Having an order of disposition entered under section 18
20 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
21 712A.18, that is open to the general public under section 28 of
22 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28.

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

25 (c) "Department" means the department of state police.

26 (d) "Institution of higher education" means 1 or more of the
27 following:

1 (i) A public or private community college, college, or
2 university.

3 (ii) A public or private trade, vocational, or occupational
4 school.

5 (e) "Local law enforcement agency" means the police department
6 of a municipality.

7 (f) "Minor" means an individual less than 18 years of age.

8 (g) "Municipality" means a city, village, or township of this
9 state.

10 (h) "Registering authority" means the local law enforcement
11 agency or sheriff's office having jurisdiction over the
12 individual's residence, place of employment, or institution of
13 higher learning, or the nearest department post designated to
14 receive or enter child abuse offender registration information
15 within a registration jurisdiction.

16 (i) "Registration jurisdiction" means each of the 50 states,
17 the District of Columbia, the Commonwealth of Puerto Rico, Guam,
18 the Northern Mariana Islands, the United States Virgin Islands,
19 American Samoa, and the Indian tribes within the United States that
20 elect to function as a registration jurisdiction.

21 (j) "Residence" means that place at which a person habitually
22 sleeps, keeps his or her personal effects, and has a regular place
23 of lodging. If a person has more than 1 residence, or if a spouse
24 has a residence separate from that of the other spouse, that place
25 at which the person resides the greater part of the time shall be
26 his or her official residence for the purposes of this act. If a
27 person is homeless or otherwise lacks a fixed or temporary

1 residence, residence means the village, city, or township where the
2 person spends a majority of his or her time.

3 (k) "Student" means an individual enrolled on a full- or part-
4 time basis in a public or private educational institution,
5 including, but not limited to, a secondary school, trade school,
6 professional institution, or institution of higher education.

7 (l) "Vehicle" means that term as defined in section 79 of the
8 Michigan vehicle code, 1949 PA 300, MCL 257.79.

9 (m) "Vessel" means that term as defined in section 44501 of
10 the natural resources and environmental protection act, 1994 PA
11 451, MCL 324.44501.

12 Sec. 3. (1) Subject to subsection (2), the following
13 individuals who are domiciled or temporarily reside in this state
14 or who work with or without compensation or are students in this
15 state, or who are domiciled, reside, or work with or without
16 compensation or are students in this state for 30 or more total
17 days in a calendar year are required to be registered under this
18 act:

19 (a) An individual who is convicted of a child abuse offense
20 after January 1, 2018.

21 (b) An individual convicted of a child abuse offense on or
22 before January 1, 2018 if on January 1, 2018 he or she is on
23 probation or parole, committed to jail, committed to the
24 jurisdiction of the department of corrections, or under the
25 jurisdiction of the juvenile division of the probate court or the
26 department of health and human services for that offense or is
27 placed on probation or parole, committed to jail, committed to the

1 jurisdiction of the department of corrections, placed under the
2 jurisdiction of the juvenile division of the probate court or
3 family division of circuit court, or committed to the department of
4 health and human services after January 1, 2018 for that offense.

5 (c) An individual convicted of a child abuse offense on or
6 before January 1, 2018 if on January 1, 2018 he or she is on
7 probation or parole that has been transferred to this state for
8 that offense or his or her probation or parole is transferred to
9 this state after January 1, 2018 for that offense.

10 (d) An individual from another state who is required to
11 register or otherwise be identified as a child abuse offender under
12 a comparable statute of that state.

13 (e) An individual who was previously convicted of a child
14 abuse offense for which he or she was not required to register
15 under this act, but who is convicted of any other felony on or
16 after January 1, 2018.

17 (2) A nonresident who is convicted in this state on or after
18 July 1, 2018 of committing a child abuse offense who is not
19 otherwise described in subsection (1) shall nevertheless register
20 under this act. However, the continued reporting requirements of
21 this act do not apply to the individual while he or she remains a
22 nonresident and is not otherwise required to report under this act.
23 The individual shall have his or her photograph taken under section
24 5a.

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

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

1 before January 1, 2018 who on or before January 1, 2018 is
2 sentenced for that offense, has a disposition entered for that
3 offense, or is assigned to youthful trainee status for that
4 offense, the following shall register the individual no later than
5 March 1, 2018:

6 (a) If the individual is on probation for the child abuse
7 offense, the individual's probation officer.

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

10 (c) If the individual is under the jurisdiction of the
11 department of corrections for the child abuse offense, the
12 department of corrections.

13 (d) If the individual is on parole for the child abuse
14 offense, the individual's parole officer.

15 (e) If the individual is within the jurisdiction of the
16 juvenile division of the probate court or the department of health
17 and human services under an order of disposition for the child
18 abuse offense, the juvenile division of the probate court or the
19 department of health and human services.

20 (3) Except as provided in subsection (4), for an individual
21 convicted of a child abuse offense on or before January 1, 2018:

22 (a) If the individual is sentenced for that offense after
23 January 1, 2018 or assigned to youthful trainee status after
24 January 1, 2018, the probation agent shall register the individual
25 before sentencing or assignment.

26 (b) If the individual's probation or parole is transferred to
27 this state after January 1, 2018, the probation or parole agent

1 shall register the individual immediately after the transfer.

2 (c) If the individual is placed within the jurisdiction of the
3 juvenile division of the probate court or family division of
4 circuit court or committed to the department of health and human
5 services under an order of disposition entered after January 1,
6 2018, the juvenile division of the probate court or family division
7 of circuit court shall register the individual before the order of
8 disposition is entered.

9 (4) Subject to section 3, an individual convicted of a child
10 abuse offense in this state after January 1, 2018 and an individual
11 who was previously convicted of a child abuse offense for which he
12 or she was not required to register under this act, but who is
13 convicted of any other felony on or after January 1, 2018, shall
14 register before sentencing, entry of the order of disposition, or
15 assignment to youthful trainee status for that child abuse offense
16 or that other felony. The probation officer or the family division
17 of circuit court shall give the individual the registration form
18 after the individual is convicted, explain the duty to register and
19 to pay a registration fee, to verify his or her address, and to
20 provide notice of address changes, and accept the completed
21 registration for processing under section 6. The court shall not
22 impose sentence, enter the order of disposition, or assign the
23 individual to youthful trainee status, until it determines that the
24 individual's registration was forwarded to the department as
25 required under section 6.

26 (5) All of the following shall register with the local law
27 enforcement agency, sheriff's department, or the department

1 immediately after becoming domiciled or temporarily residing,
2 working, or being a student in this state:

3 (a) Subject to section 3, an individual convicted of a child
4 abuse offense in another state or country after January 1, 2018.

5 (b) An individual required to be registered as a child abuse
6 offender in another state or country regardless of when the
7 conviction was entered.

8 (6) If a prosecution or juvenile proceeding is pending on
9 January 1, 2018, whether the defendant in a criminal case or the
10 minor in a juvenile proceeding is required to register under this
11 act must be determined on the basis of the law in effect on January
12 1, 2018.

13 Sec. 4a. (1) An individual required to be registered under
14 this act who is not a resident of this state shall report his or
15 her status in person to the registering authority having
16 jurisdiction over a campus of an institution of higher education if
17 either of the following occurs:

18 (a) The individual is or enrolls as a student with that
19 institution of higher education or the individual discontinues that
20 enrollment.

21 (b) As part of his or her course of studies at an institution
22 of higher education in this state, the individual is present at any
23 other location in this state, another state, a territory or
24 possession of the United States, or the individual discontinues his
25 or her studies at that location.

26 (2) An individual required to be registered under this act who
27 is a resident of this state shall report his or her status in

1 person to the registering authority having jurisdiction where his
2 or her new residence or domicile is located if any of the events
3 described under subsection (1) occur.

4 (3) The report required under subsections (1) and (2) must be
5 made immediately after he or she enrolls or discontinues his or her
6 enrollment as a student on that campus including study in this
7 state or another state, a territory or possession of the United
8 States, or another country.

9 (4) The additional registration reports required under this
10 section must be made in the time periods described in section 5a(3)
11 for reports under that section.

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

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

21 (b) A contract.

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

23 (6) This section does not apply to an individual whose
24 enrollment and participation at an institution of higher education
25 is solely through the mail or the internet from a remote location.

26 Sec. 5. (1) An individual required to be registered under this
27 act who is a resident of this state shall report in person and

1 notify the registering authority having jurisdiction where his or
2 her residence or domicile is located immediately after any of the
3 following occur:

4 (a) The individual changes or vacates his or her residence or
5 domicile.

6 (b) The individual changes his or her place of employment, or
7 employment is discontinued.

8 (c) The individual enrolls as a student with an institution of
9 higher education, or enrollment is discontinued.

10 (d) The individual changes his or her name.

11 (e) The individual intends to temporarily reside at any place
12 other than his or her residence for more than 7 days.

13 (f) Any change required to be reported under section 4a.

14 (2) An individual required to be registered under this act who
15 is not a resident of this state but has his or her place of
16 employment in this state shall report in person and notify the
17 registering authority having jurisdiction where his or her place of
18 employment is located or the department post of the individual's
19 place of employment immediately after the individual changes his or
20 her place of employment or employment is discontinued.

21 (3) 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, before
25 releasing the individual, shall provide notice of the location of
26 the individual's proposed place of residence or domicile to the
27 department of state police.

1 (4) If an individual who is incarcerated in a county jail and
2 is required to be registered under this act is due to be released
3 from custody, the sheriff's department, before releasing the
4 individual, shall provide notice of the location of the
5 individual's proposed place of residence or domicile to the
6 department of state police.

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

13 (a) The individual is transferred to a community residential
14 program.

15 (b) The individual is transferred into a level 1 correctional
16 facility of any kind, including a correctional camp or work camp.

17 (6) An individual required to be registered under this act who
18 is a resident of this state shall report in person and notify the
19 registering authority having jurisdiction where his or her
20 residence or domicile is located immediately before he or she
21 changes his or her domicile or residence to another state. The
22 individual shall indicate the new state and, if known, the new
23 address. The department shall update the registration and
24 compilation databases and promptly notify the appropriate law
25 enforcement agency and any applicable child abuse offender
26 registration authority in the new state.

27 (7) An individual required to be registered under this act who

1 is a resident of this state shall report in person and notify the
2 registering authority having jurisdiction where his or her
3 residence or domicile is located not later than 21 days before he
4 or she changes his or her domicile or residence to another country
5 or travels to another country for more than 7 days. The individual
6 shall state the new country of residence or country of travel and
7 the address of his or her new domicile or residence or place of
8 stay, if known. The department shall update the registration and
9 compilation databases and promptly notify the appropriate law
10 enforcement agency and any applicable child abuse offender
11 registration authority.

12 (8) If the probation or parole of an individual required to be
13 registered under this act is transferred to another state or an
14 individual required to be registered under this act is transferred
15 from a state correctional facility to any correctional facility or
16 probation or parole in another state, the department of corrections
17 shall promptly notify the department and the appropriate law
18 enforcement agency and any applicable child abuse offender
19 registration authority in the new state. The department shall
20 update the registration and compilation databases.

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

24 (10) A child abuse offender shall comply with this section as
25 follows:

26 (a) Except as provided in subdivisions (b) and (c), for 25
27 years.

1 (b) For a conviction of fourth degree child abuse under
2 section 136b(7) of the Michigan penal code, 1931 PA 328, MCL
3 750.136b, for 2 years.

4 (c) For a second or subsequent child abuse offense, for life.

5 (11) The registration periods under this section exclude any
6 period of incarceration for committing a crime and any period of
7 civil commitment.

8 (12) For an individual who was previously convicted of a child
9 abuse offense for which he or she was not required to register
10 under this act but who is convicted of any felony on or after
11 January 1, 2018, any period of time that he or she was not
12 incarcerated for that child abuse offense or that other felony and
13 was not civilly committed counts toward satisfying the registration
14 period for that child abuse offense as described in this section.
15 If those periods equal or exceed the registration period described
16 in this section, the individual has satisfied his or her
17 registration period for the child abuse offense and is not required
18 to register under this act. If those periods are less than the
19 registration period described in this section for that child abuse
20 offense, the individual shall comply with this section for the
21 period of time remaining.

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

26 (2) Upon the release of an individual registered under this
27 act who is in a state correctional facility, the department of

1 corrections shall provide written notice to that individual
 2 explaining his or her duties under this section and this act as
 3 amended and the procedure for registration, notification, and
 4 verification and payment of the registration fee prescribed under
 5 subsection (6) or section 7(1). The individual shall sign and date
 6 the notice. The department of corrections shall maintain a copy of
 7 the signed and dated notice in the individual's file. The
 8 department of corrections shall forward the original notice to the
 9 department immediately, regardless of whether the individual signs
 10 it.

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

15 (a) If the individual was convicted of a child abuse offense
 16 that is a misdemeanor, the individual shall report once each year
 17 during the individual's month of birth.

18 (b) If the individual was convicted of a child abuse offense
 19 that is a felony, the individual shall report 4 times each year
 20 according to the following schedule:

| 21 Birth Month | Reporting Months |
|-----------------------|--------------------------------------|
| 22 January | January, April, July, and October |
| 23 February | February, May, August, and November |
| 24 March | March, June, September, and December |
| 25 April | April, July, October, and January |
| 26 May | May, August, November, and February |

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

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

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

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

13 (6) Except as otherwise provided in section 5b, an individual
14 who reports as prescribed under subsection (3) shall pay a \$35.00
15 registration fee as follows:

16 (a) Upon initial registration.

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

1 the month in which the fee is due.

2 (c) The sum of the amounts required to be paid under
3 subdivisions (a) and (b) must not exceed \$385.00.

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

16 (8) An individual registered under this act who is
17 incarcerated shall report to the secretary of state under this
18 subsection immediately after he or she is released to have his or
19 her digitalized photograph taken. The individual is not required to
20 report under this subsection if he or she had a digitized
21 photograph taken for an operator's or chauffeur's license or
22 official state personal identification card before January 1, 2018,
23 or within 2 years before he or she is released unless his or her
24 appearance has changed from the date of that photograph. Unless the
25 person is a nonresident, the photograph must be used on the
26 individual's operator's or chauffeur's license or official state
27 personal identification card. The individual shall have a new

1 photograph taken when he or she renews the license or
2 identification card as provided by law, or as otherwise provided in
3 this act. The secretary of state shall make the digitized
4 photograph available to the department for a registration under
5 this act.

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

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

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

19 (2) The child abuse offenders registration fund is created as
20 a separate fund in the department of treasury. The state treasurer
21 shall credit the money received from the payment of the
22 registration fee prescribed under this act to the child abuse
23 offenders registration fund. Money credited to the fund must only
24 be used by the department for training concerning, and the
25 maintenance and automation of, the law enforcement database, public
26 internet website, information required under section 8, or
27 notification and offender registration duties under section 4a.

1 Money in the child abuse offenders registration fund at the close
2 of the fiscal year must remain in the fund and must not lapse to
3 the general fund.

4 (3) If an individual required to pay a registration fee under
5 this act is indigent, the registration fee must be waived for a
6 period of 90 days. The burden is on the individual claiming
7 indigence to prove the fact of indigence to the satisfaction of the
8 local law enforcement agency, sheriff's department, or department
9 post where the individual is reporting.

10 (4) Payment of the registration fee prescribed under this act
11 must be made in the form and by means prescribed by the department.
12 Upon payment of the registration fee prescribed under this act, the
13 officer or employee shall forward verification of the payment to
14 the department in the manner the department prescribes. The
15 department shall revise the law enforcement database and public
16 internet website maintained under section 8 as necessary and shall
17 indicate verification of payment in the compilation under section
18 8(1).

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 4
23 or receiving notice under section 5(1) shall provide the individual
24 with a copy of the registration or notification at the time of
25 registration or notice.

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

1 of an address change under section 5(1) shall forward the
2 registration or notification to the department in a manner
3 described by the department immediately after registration or
4 notification.

5 Sec. 7. (1) Registration information obtained under this act
6 must be forwarded to the department in the format the department
7 prescribes. Except as provided in section 5b(3), a \$35.00
8 registration fee shall accompany each original registration. All of
9 the following information must be obtained or otherwise provided
10 for registration purposes:

11 (a) The individual's legal name and any aliases, nicknames,
12 ethnic or tribal names, or other names by which the individual is
13 or has been known. An individual who is in a witness protection and
14 relocation program is only required to use the name and identifying
15 information reflecting his or her new identity in a registration
16 under this act. The registration and compilation databases must not
17 contain any information identifying the individual's prior identity
18 or locale.

19 (b) The individual's social security number and any social
20 security numbers or alleged social security numbers previously used
21 by the individual.

22 (c) The individual's date of birth and any alleged dates of
23 birth previously used by the individual.

24 (d) The address where the individual resides or will reside.
25 If the individual does not have a residential address, information
26 under this subsection must identify the location or area used or to
27 be used by the individual in lieu of a residence or, if the

1 individual is homeless, the village, city, or township where the
2 person spends or will spend the majority of his or her time.

3 (e) The name and address of any place of temporary lodging
4 used or to be used by the individual during any period in which the
5 individual is away, or is expected to be away, from his or her
6 residence for more than 7 days. Information under this subdivision
7 must include the dates the lodging is used or to be used.

8 (f) The name and address of each of the individual's
9 employers. For purposes of this subdivision, "employer" includes a
10 contractor and any individual who has agreed to hire or contract
11 with the individual for his or her services. Information under this
12 subsection must include the address or location of employment if
13 different from the address of the employer. If the individual lacks
14 a fixed employment location, the information obtained under this
15 subdivision must include the general areas where the individual
16 works and the normal travel routes taken by the individual in the
17 course of his or her employment.

18 (g) The name and address of any school being attended by the
19 individual and any school that has accepted the individual as a
20 student that he or she plans to attend. For purposes of this
21 subdivision, "school" means a public or private postsecondary
22 school or school of higher education, including a trade school.

23 (h) All telephone numbers registered to the individual or
24 routinely used by the individual.

25 (i) The individual's driver license number or state personal
26 identification card number.

27 (j) A digital copy of the individual's passport and other

1 immigration documents.

2 (k) The individual's occupational and professional licensing
3 information, including any license that authorizes the individual
4 to engage in any occupation, profession, trade, or business.

5 (l) A brief summary of the individual's convictions for child
6 abuse offenses regardless of when the conviction occurred,
7 including where the offense occurred and the original charge if the
8 conviction was for a lesser offense.

9 (m) A complete physical description of the individual.

10 (n) The photograph required under section 5a.

11 (o) The individual's fingerprints if not already on file with
12 the department and the individual's palm prints. An individual
13 required to be registered under this act shall have his or her
14 fingerprints or palm prints or both taken not later than February
15 1, 2018 if his or her fingerprints or palm prints are not already
16 on file with the department. The department shall forward a copy of
17 the individual's fingerprints and palm prints to the Federal Bureau
18 of Investigation if not already on file with that bureau.

19 (p) Information that is required to be reported under section
20 4a.

21 (2) A registration must contain all of the following:

22 (a) An electronic copy of the offender's Michigan driver
23 license or Michigan personal identification card, including the
24 photograph required under this act.

25 (b) The text of the provision of law that defines the criminal
26 offense for which the child abuse offender is registered.

27 (c) Any outstanding arrest warrant information.

1 (d) An identifier that indicates whether a DNA sample has been
2 collected and any resulting DNA profile has been entered into the
3 federal combined DNA index system (CODIS).

4 (e) The individual's complete criminal history record,
5 including the dates of all arrests and convictions.

6 (f) The individual's Michigan department of corrections number
7 and status of parole, probation, or supervised release.

8 (g) The individual's Federal Bureau of Investigation number.

9 (3) The form used for notification of duties under this act
10 must contain a written statement that explains the duty of the
11 individual being registered to provide notice of changes in his or
12 her registration information, the procedures for providing that
13 notice, and the verification procedures under section 5a.

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

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

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

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

27 (8) The department shall promptly provide registration,

1 notice, and verification information to the Federal Bureau of
2 Investigation and to local law enforcement agencies, sheriff's
3 departments, department posts, and other registering jurisdictions,
4 as provided by law.

5 Sec. 8. (1) The department shall maintain a computerized law
6 enforcement database of registrations and notices required under
7 this act. The law enforcement database must contain all of the
8 following information for each individual registered under this
9 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 social security number and any social
14 security numbers or alleged social security numbers previously used
15 by the individual.

16 (c) The individual's date of birth and any alleged dates of
17 birth previously used by the individual.

18 (d) The address where the individual resides or will reside.
19 If the individual does not have a residential address, information
20 under this subsection must identify the location or area used or to
21 be used by the individual in lieu of a residence or, if the
22 individual is homeless, the village, city, or township where the
23 individual spends or will spend the majority of his or her time.

24 (e) The name and address of any place of temporary lodging
25 used or to be used by the individual during any period in which the
26 individual is away, or is expected to be away, from his or her
27 residence for more than 7 days. Information under this subdivision

1 must include the dates the lodging is used or to be used.

2 (f) The name and address of each of the individual's
3 employers. For purposes of this subdivision, "employer" includes a
4 contractor and any individual who has agreed to hire or contract
5 with the individual for his or her services. Information under this
6 subsection must include the address or location of employment if
7 different from the address of the employer.

8 (g) The name and address of any school being attended by the
9 individual and any school that has accepted the individual as a
10 student that he or she plans to attend. For purposes of this
11 subdivision, "school" means a public or private postsecondary
12 school or school of higher education, including a trade school.

13 (h) All telephone numbers registered to the individual or
14 routinely used by the individual.

15 (i) The individual's driver license number or state personal
16 identification card number.

17 (j) A digital copy of the individual's passport and other
18 immigration documents.

19 (k) The individual's occupational and professional licensing
20 information, including any license that authorizes the individual
21 to engage in any occupation, profession, trade, or business.

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

26 (m) A complete physical description of the individual.

27 (n) The photograph required under section 5a.

1 (o) The individual's fingerprints and palm prints.

2 (p) An electronic copy of the offender's Michigan driver
3 license or Michigan personal identification card, including the
4 photograph required under this act.

5 (q) The text of the provision of law that defines the criminal
6 offense for which the child abuser is registered.

7 (r) Any outstanding arrest warrant information.

8 (s) The individual's registration status.

9 (t) An identifier that indicates whether a DNA sample has been
10 collected and any resulting DNA profile has been entered into the
11 federal combined DNA index system (CODIS).

12 (u) The individual's complete criminal history record,
13 including the dates of all arrests and convictions.

14 (v) The individual's Michigan department of corrections number
15 and the status of his or her parole, probation, or release.

16 (w) The individual's Federal Bureau of Investigation number.

17 (2) The department shall maintain a public internet website
18 separate from the law enforcement database described in subsection
19 (1) to implement section 10(2) and (3). Except as provided in
20 subsection (4), the public internet website must contain all of the
21 following information for each individual registered under this
22 act:

23 (a) The individual's legal name and any aliases, nicknames,
24 ethnic or tribal names, or other names by which the individual is
25 or has been known.

26 (b) The individual's date of birth.

27 (c) The address where the individual resides. If the

1 individual does not have a residential address, information under
2 this subsection shall identify the village, city, or township used
3 by the individual in lieu of a residence.

4 (d) The address of each of the individual's employers. For
5 purposes of this subdivision, "employer" includes a contractor and
6 any individual who has agreed to hire or contract with the
7 individual for his or her services. Information under this
8 subsection must include the address or location of employment if
9 different from the address of the employer.

10 (e) The address of any school being attended by the individual
11 and any school that has accepted the individual as a student that
12 he or she plans to attend. For purposes of this subdivision,
13 "school" means a public or private postsecondary school or school
14 of higher education, including a trade school.

15 (f) A brief summary of the individual's convictions for child
16 abuse offenses regardless of when the conviction occurred.

17 (g) A complete physical description of the individual.

18 (h) The photograph required under this act. If no photograph
19 is available, the department shall use an arrest photograph or
20 Michigan department of corrections photograph until a photograph as
21 prescribed in section 5a becomes available.

22 (i) The text of the provision of law that defines the criminal
23 offense for which the child abuser is registered.

24 (j) The individual's registration status.

25 (3) The following information must not be made available on
26 the public internet website described in subsection (2):

27 (a) The identity of any victim of the offense.

1 (b) The individual's social security number.

2 (c) Any arrests not resulting in a conviction.

3 (d) Any travel or immigration document numbers.

4 (e) Any electronic mail addresses and instant message
5 addresses assigned to the individual or routinely used by the
6 individual and any login names or other identifiers used by the
7 individual when using any electronic mail address or instant
8 messaging system.

9 (f) The individual's driver license number or state personal
10 identification card number.

11 (4) The public internet website described in subsection (2)
12 shall not include the following individuals:

13 (a) An individual registered solely because he or she had 1 or
14 more dispositions for a child abuse offense entered under section
15 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
16 712A.18, in a case that was not designated as a case in which the
17 individual was to be tried in the same manner as an adult under
18 section 2d of chapter XIIA of the probate code of 1939, 1939 PA
19 288, MCL 712A.2d.

20 (b) An individual registered solely because he or she was the
21 subject of an order of disposition or other adjudication in a
22 juvenile matter in another state or country.

23 (5) The compilation of individuals must be indexed
24 alphabetically by village, city, township, and county, numerically
25 by zip code area, and geographically as determined appropriate by
26 the department.

27 (6) The department shall update the public internet website

1 with new registrations, deletions from registrations, and address
2 changes at the same time those changes are made to the law
3 enforcement database described in subsection (1). The department
4 shall make the law enforcement database available to each
5 department post, local law enforcement agency, and sheriff's
6 department by the law enforcement information network. Upon request
7 by a department post, local law enforcement agency, or sheriff's
8 department, the department shall provide to that post, agency, or
9 sheriff's department the information from the law enforcement
10 database in printed form for the designated areas located in whole
11 or in part within the post's, agency's, or sheriff's department's
12 jurisdiction. The department shall provide the ability to conduct a
13 computerized search of the law enforcement database and the public
14 internet website based upon the name and campus location of an
15 institution of higher education.

16 (7) The department shall make the law enforcement database
17 available to a department post, local law enforcement agency, or
18 sheriff's department by electronic, computerized, or other similar
19 means accessible to the post, agency, or sheriff's department. The
20 department shall make the public internet website available to the
21 public by electronic, computerized, or other similar means
22 accessible to the public. The electronic, computerized, or other
23 similar means must provide for a search by name, village, city,
24 township, and county designation, zip code, and geographical area.

25 (8) If a court determines that the public availability under
26 section 10 of any information concerning individuals registered
27 under this act violates the constitution of the United States or

1 this state, the department shall revise the public internet website
2 described in subsection (2) so that it does not contain that
3 information.

4 (9) If the department determines that an individual has
5 completed his or her registration period or that he or she
6 otherwise is no longer required to register under this act, the
7 department shall remove the individual's registration information
8 from both the law enforcement database and the public internet
9 website within 7 days after making that determination.

10 (10) If the individual provides the department with
11 documentation showing that he or she is required to register under
12 this act for a violation that has been set aside under 1965 PA 213,
13 MCL 780.621 to 780.624, or that has been otherwise expunged, the
14 department shall note on the public internet website that the
15 violation has been set aside or expunged.

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

23 (a) Determine whether the individual has absconded or is
24 otherwise unlocatable.

25 (b) If the registering authority was notified by a
26 registration jurisdiction that the individual was to appear in
27 order to register or update his or her registration information in

1 the jurisdiction of the registering authority, notify the
2 department in a manner prescribed by the department that the
3 individual failed to appear as required.

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

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

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

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

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

18 (b) Notify the United States Marshals Service in the manner
19 required by the United States Marshals Service of the individual's
20 failure to appear as required.

21 Sec. 9. (1) An individual required to be registered under this
22 act who willfully violates this act is guilty of a misdemeanor
23 punishable by imprisonment for not more than 90 days or a fine of
24 not more than \$1,000.00, or both.

25 (2) The court shall revoke the probation of an individual
26 placed on probation who willfully violates this act.

27 (3) The court shall revoke the youthful trainee status of an

1 individual assigned to youthful trainee status who willfully
2 violates this act.

3 (4) The parole board shall rescind the parole of an individual
4 released on parole who willfully violates this act.

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

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

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

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

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

17 (2) A department post, local law enforcement agency, or
18 sheriff's department shall make information from the public
19 internet website described in section 8(2) for the designated areas
20 located in whole or in part within the post's, agency's, or
21 sheriff's department's jurisdiction available for public inspection
22 during regular business hours. A department post, local law
23 enforcement agency, or sheriff's department is not required to make
24 a copy of the information for a member of the public.

25 (3) The department may make information from the public
26 internet website described in section 8(2) available to the public
27 through electronic, computerized, or other accessible means. The

1 department shall provide for notification by electronic or
2 computerized means to any member of the public who has subscribed
3 in a manner required by the department when an individual who is
4 the subject of the public internet website described in section
5 8(2) initially registers under this act, or changes his or her
6 registration under this act, to a location that is in a designated
7 area or geographic radius designated by the subscribing member of
8 the public.

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

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

18 (6) Subsections (4) and (5) do not apply to the public
19 internet website described in section 8(2) or information from that
20 public internet website that is provided or made available under
21 section 8(2) or under subsection (2) or (3).

22 Enacting section 1. This act takes effect 90 days after the
23 date it is enacted into law.