

# HOUSE BILL NO. 4857

August 29, 2019, Introduced by Rep. Miller and referred to the Committee on Appropriations.

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending section 5a (MCL 28.725a), as amended by 2013 PA 149.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

5           (2) Upon the release of an individual registered under this

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

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

16 (a) If the individual is a tier I offender, the individual  
 17 shall report once each year during the individual's month of birth.

18 (b) If the individual is a tier II offender, the individual  
 19 shall report twice each year according to the following schedule:

20 <u>Birth Month</u>	<u>Reporting Months</u>
21 January	January and July
22 February	February and August
23 March	March and September
24 April	April and October
25 May	May and November
26 June	June and December
27 July	January and July
28 August	February and August
29 September	March and September

1           October                                   April and October  
 2           November                                May and November  
 3           December                                June and December

4           (c) If the individual is a tier III offender, the individual  
 5 shall report 4 times each year according to the following schedule:

<u>Birth Month</u>	<u>Reporting Months</u>
7           January	January, April, July, and October
8           February	February, May, August, and November
9           March	March, June, September, and December
10          April	April, July, October, and January
11          May	May, August, November, and February
12          June	June, September, December, and March
13          July	July, October, January, and April
14          August	August, November, February, and May
15          September	September, December, March, and June
16          October	October, January, April, and July
17          November	November, February, May, and August
18          December	December, March, June, and September

19          (4) A report under subsection (3) ~~shall~~**must** be made no  
 20 earlier than the first day or later than the last day of the month  
 21 in which the individual is required to report. However, if the  
 22 registration period for that individual expires during the month in  
 23 which he or she is required to report under this section, the  
 24 individual shall report during that month on or before the date his  
 25 or her registration period expires. When an individual reports  
 26 under subsection (3), the individual shall review all registration  
 27 information for accuracy.

28          (5) When an individual reports under subsection (3), an  
 29 officer or authorized employee of the registering authority shall

1 verify the individual's residence or domicile and any information  
2 required to be reported under section 4a. The officer or authorized  
3 employee shall also determine whether the individual's photograph  
4 required under this act matches the appearance of the individual  
5 sufficiently to properly identify him or her from that photograph.  
6 If not, the officer or authorized employee shall require the  
7 individual to immediately obtain a current photograph under this  
8 section. When all of the verification information has been  
9 provided, the officer or authorized employee shall review that  
10 information with the individual and make any corrections,  
11 additions, or deletions the officer or authorized employee  
12 determines are necessary based on the review. The officer or  
13 authorized employee shall sign and date a verification receipt. The  
14 officer or authorized employee shall give a copy of the signed  
15 receipt showing the date of verification to the individual. The  
16 officer or authorized employee shall forward verification  
17 information to the department in the manner the department  
18 prescribes. The department shall revise the law enforcement  
19 database and public internet website maintained under section 8 as  
20 necessary and shall indicate verification in the public internet  
21 website maintained under section 8(2).

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

25 (a) Upon initial registration.

26 (b) Annually following the year of initial registration. The  
27 payment of the registration fee under this subdivision ~~shall~~**must**  
28 be made at the time the individual reports in the first reporting  
29 month for that individual as set forth in subsection (3) of each

1 year in which the fee applies, unless an individual elects to  
2 prepay an annual registration fee for any future year for which an  
3 annual registration fee is required. Prepaying any annual  
4 registration fee ~~shall~~**must** not change or alter the requirement of  
5 an individual to report as set forth in subsection (3). The payment  
6 of the registration fee under this subdivision is not required to  
7 be made for any registration year that has expired before January  
8 1, 2014 or to be made by any individual initially required to  
9 register under this act after January 1, ~~2019.~~**2023**. The  
10 registration fee required to be paid under this subdivision ~~shall~~  
11 **must** not be prorated on grounds that the individual will complete  
12 his or her registration period after the month in which the fee is  
13 due.

14 (c) The sum of the amounts required to be paid under  
15 subdivisions (a) and (b) ~~shall~~**must** not exceed \$550.00.

16 (7) An individual required to be registered under this act  
17 shall maintain either a valid operator's or chauffeur's license  
18 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
19 257.923, or an official state personal identification card issued  
20 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's  
21 current address. The license or card may be used as proof of  
22 domicile or residence under this section. In addition, the officer  
23 or authorized employee may require the individual to produce  
24 another document bearing his or her name and address, including,  
25 but not limited to, voter registration or a utility or other bill.  
26 The department may specify other satisfactory proof of domicile or  
27 residence.

28 (8) An individual registered under this act who is  
29 incarcerated shall report to the secretary of state under this

1 subsection immediately after he or she is released to have his or  
2 her digitalized photograph taken. The individual is not required to  
3 report under this subsection if he or she had a digitized  
4 photograph taken for an operator's or chauffeur's license or  
5 official state personal identification card before January 1, 2000,  
6 or within 2 years before he or she is released unless his or her  
7 appearance has changed from the date of that photograph. Unless the  
8 person is a nonresident, the photograph ~~shall~~**must** be used on the  
9 individual's operator's or chauffeur's license or official state  
10 personal identification card. The individual shall have a new  
11 photograph taken when he or she renews the license or  
12 identification card as provided by law, or as otherwise provided in  
13 this act. The secretary of state shall make the digitized  
14 photograph available to the department for a registration under  
15 this act.

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

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