

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.

