

HOUSE BILL No. 5505

October 8, 2009, Introduced by Reps. Knollenberg, Rick Jones, Walsh, Marleau, Meltzer, Lund, DeShazor, Daley, Moss, Kowall, Paul Scott, Genetski, Lori and Wayne Schmidt and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 33 and 34 (MCL 28.733 and 28.734), section 33 as added by 2005 PA 127 and section 34 as amended by 2005 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. As used in this article:

2 ~~_____ (a) "Listed offense" means that term as defined in section 2~~
3 ~~of the sex offenders registration act, 1994 PA 295, MCL 28.722.~~

4 **(A)** ~~(b)~~ "Loiter" means to remain for a period of time and
5 under circumstances that a reasonable person would determine is for
6 the primary purpose of observing or contacting minors.

7 **(B)** ~~(e)~~ "Minor" means an individual less than 18 years of age.

8 **(C)** ~~(d)~~ "School" means a public, private, denominational, or

1 parochial school offering developmental kindergarten, kindergarten,
 2 or any grade from 1 through 12. School does not include a home
 3 school.

4 (D) ~~(e)~~—"School property" means a building, facility,
 5 structure, or real property owned, leased, or otherwise controlled
 6 by a school, other than a building, facility, structure, or real
 7 property that is no longer in use on a permanent or continuous
 8 basis, to which either of the following applies:

9 (i) It is used to impart educational instruction.

10 (ii) It is for use by students not more than 19 years of age
 11 for sports or other recreational activities.

12 (E) ~~(f)~~—"Student safety zone" means ~~the~~ **EITHER OF THE**
 13 **FOLLOWING:**

14 (i) **THE** area that lies 1,000 feet or less from school property.

15 (ii) **THE AREA THAT LIES 1,000 FEET OR LESS FROM A SCHOOL BUS**
 16 **STOP. AS USED IN THIS SUBPARAGRAPH, "SCHOOL BUS STOP" MEANS A**
 17 **LOCATION ROUTINELY USED BY MINORS TO BOARD OR DISEMBARK FROM A**
 18 **SCHOOL BUS.**

19 Sec. 34. (1) Except as provided in this section and section
 20 36, an individual required to be registered under article II shall
 21 not do 1 or more of the following:

22 (a) Work within a student safety zone.

23 (b) Loiter within a student safety zone.

24 (2) An individual who violates this section is guilty of a
 25 crime as follows:

26 (a) For the first violation, the individual is guilty of a
 27 misdemeanor punishable by imprisonment for not more than 1 year or

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

2 (b) An individual who violates this section and has 1 or more
3 prior convictions under this section is guilty of a felony
4 punishable by imprisonment for not more than 2 years or a fine of
5 not more than \$2,000.00, or both.

6 (3) Subsection (1)(a) does not apply to any of the following:

7 (a) An individual who was working within a student safety zone
8 on January 1, 2006. However, this exception does not apply to an
9 individual who initiates or maintains contact with a minor within
10 that student safety zone.

11 (b) An individual whose place of employment is within a
12 student safety zone solely because a school is relocated or is
13 initially established 1,000 feet or less from the individual's
14 place of employment. However, this exception does not apply to an
15 individual who initiates or maintains contact with a minor within
16 that student safety zone.

17 (c) An individual who only intermittently or sporadically
18 enters a student safety zone for the purpose of work. However, this
19 exception does not apply to an individual who initiates or
20 maintains contact with a minor within a student safety zone.

21 **(4) SUBSECTION (1)(B) DOES NOT APPLY TO AN INDIVIDUAL WHO IS**
22 **PRESENT IN A STUDENT SAFETY ZONE DESCRIBED IN SECTION 33(E) (ii) IF**
23 **THE INDIVIDUAL IS WITHIN THE STUDENT SAFETY ZONE SOLELY FOR THE**
24 **PURPOSE OF MEETING HIS OR HER CHILD AS THE CHILD DISEMBARKS FROM**
25 **THE SCHOOL BUS. HOWEVER, THIS EXCEPTION DOES NOT APPLY TO AN**
26 **INDIVIDUAL WHO INITIATES OR MAINTAINS CONTACT WITH A MINOR OTHER**
27 **THAN HIS OR HER CHILD WITHIN THE STUDENT SAFETY ZONE.**

1 (5) ~~(4)~~—This section does not prohibit an individual from
2 being charged with, convicted of, or punished for any other
3 violation of law that is committed by that individual while
4 violating this section.

5 (6) ~~(5)~~—Nothing in this section shall be construed to prohibit
6 an individual from exercising his or her right to vote.