



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

SEX OFFENDER REGISTRATION

House Bill 6286

Sponsor: Rep. Ted Wallace

Committee: Judiciary

Complete to 11-11-98

A SUMMARY OF HOUSE BILL 6286 AS INTRODUCED 11-10-98

The bill would amend the Sex Offenders Registration Act to restrict its application against certain persons who had committed third degree criminal sexual conduct. There are four bases for a conviction of third degree criminal sexual conduct: the age of the victim (at least 13 years of age and under 16 years of age); that force or coercion was used; that the victim was mentally incapable, mentally incapacitated, or physically helpless; or that the victim was related to the actor by blood or affinity to the third degree and the sexual penetration occurred under circumstances not otherwise prohibited.

The bill would deal only with those cases of third degree criminal sexual conduct where the basis for the crime was solely the age of the victim. An offender who had engaged in what was known as "statutory rape", where the criminal sexual conduct was based on consensual sexual conduct where the "victim" was at least 13 years old and no less than 16 years old and the defendant was less than three years older than the "victim", could not be listed as a sex offender in the registry.

If, before the bill took effect, a person had been listed in the registry for such a crime, an attempt or conspiracy charge based on such a crime, or a substantially similar offense under the laws of the United States, any other state, or any country, the department would be required to delete that person's registration and destroy all of the records of that registration. In addition, the department would be required to remove the listing of any of the above offenses from the registration and databases, even where the individual would remain on the list due to his or her involvement in other offenses.

The Department of State Police would be required to identify those individuals who are on the sex offender registration list and might be eligible for either removal from the list or for removal of certain crimes from their listing due to the bill's provisions. Once identified, the department would be required to give each of these individuals the opportunity to show that he or she should be allowed to have either his or her name or a particular offense removed the list.

MCL 28.722

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.