

HOUSE BILL No. 6286

November 10, 1998, Introduced by Rep. Wallace and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722) and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Convicted" means 1 of the following:

3 (i) Having a judgment of conviction or a probation order
4 entered in a court having jurisdiction over criminal offenses,
5 including a conviction subsequently set aside ~~pursuant to Act~~
6 ~~No. 213 of the Public Acts of 1965, being sections 780.621 to~~
7 ~~780.624 of the Michigan Compiled Laws~~ UNDER 1965 PA 213,
8 MCL 780.621 TO 780.624.

9 (ii) Being assigned to youthful trainee status ~~pursuant to~~
10 UNDER sections 11 to 15 of chapter II of the code of criminal
11 procedure, ~~Act No. 175 of the Public Acts of 1927, being~~

1 ~~sections 762.11 to 762.15 of the Michigan Compiled Laws 1927 PA~~
2 ~~175, MCL 762.12 TO 762.15.~~

3 (iii) Having ~~a~~ AN ORDER OF disposition entered ~~pursuant~~
4 ~~to~~ UNDER section 18 of chapter XIIIA of ~~Act No. 288 of the~~
5 ~~Public Acts of 1939, being section 712A.18 of the Michigan~~
6 ~~Compiled Laws 1939 PA 288, MCL 712A.18, that is open to the gen-~~
7 ~~eral public pursuant to~~ UNDER section 28 of chapter XIIIA of
8 ~~Act No. 288 of the Public Acts of 1939, being section 712A.28 of~~
9 ~~the Michigan Compiled Laws 1939 PA 288, MCL 712A.28.~~

10 (b) "Department" means the department of state police.

11 (c) "Local law enforcement agency" means the police depart-
12 ment of a municipality.

13 (d) "Listed offense" means any of the following:

14 (i) A violation of section 145a, 145b, or 145c of the
15 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
16 ~~being sections 750.145a, 750.145b, and 750.145c of the Michigan~~
17 ~~Compiled Laws 1931 PA 328, MCL 750.145A, 750.145B, AND 750.145C.~~

18 (ii) A third or subsequent violation of any combination of
19 the following:

20 (A) Section 167(1)(f) of ~~Act No. 328 of the Public Acts of~~
21 ~~1931, being section 750.167 of the Michigan Compiled Laws~~ THE
22 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167.

23 (B) Section 335a of ~~Act No. 328 of the Public Acts of 1931,~~
24 ~~being section 750.335a of the Michigan Compiled Laws~~ THE
25 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A.

26 (C) A local ordinance substantially corresponding to a
27 section described in sub-subparagraph (A) or (B).

1 (iii) A violation of section 455 of ~~Act No. 328 of the~~
2 ~~Public Acts of 1931, being section 750.455 of the Michigan~~
3 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.455.

4 (iv) A violation of section 520b, 520c, 520d, 520e, or 520g
5 of ~~Act No. 328 of the Public Acts of 1931, being~~
6 ~~sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of~~
7 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
8 MCL 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G. LISTED
9 OFFENSE DOES NOT INCLUDE A VIOLATION OF SECTION 520D OF THE
10 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520D, BASED SOLELY ON
11 THE VICTIM BEING AT LEAST 13 YEARS OF AGE BUT LESS THAN 16 YEARS
12 OF AGE IF THE DEFENDANT WAS NOT AT LEAST 3 YEARS OLDER THAN THE
13 VICTIM.

14 (v) An attempt or conspiracy to commit an offense described
15 in subparagraphs (i) to (iv).

16 (vi) An offense substantially similar to an offense
17 described in subparagraphs (i) to (v) under a law of the United
18 States, any state, or any country OR UNDER TRIBAL OR MILITARY
19 LAW.

20 (e) "Municipality" means a city, village, or township of
21 this state.

22 (f) "Unit" means the department's investigative resources
23 unit.

24 SEC. 3A. (1) THE DEPARTMENT SHALL DELETE THE REGISTRATION
25 OF AN INDIVIDUAL AND DESTROY ALL RECORDS OF THAT REGISTRATION IF
26 THE INDIVIDUAL REGISTERED BEFORE THE EFFECTIVE DATE OF THE

1 AMENDATORY ACT THAT ADDED THIS SECTION SOLELY BECAUSE HE OR SHE
2 WAS CONVICTED OF ANY OF THE FOLLOWING:

3 (A) A VIOLATION OF SECTION 520D OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.520D, BASED SOLELY ON THE VICTIM BEING AT
5 LEAST 13 YEARS OF AGE BUT LESS THAN 16 YEARS OF AGE IF THE REGIS-
6 TERED INDIVIDUAL WAS NOT AT LEAST 3 YEARS OLDER THAN THE VICTIM.

7 (B) AN ATTEMPT OR CONSPIRACY TO COMMIT THE OFFENSE DESCRIBED
8 IN SUBDIVISION (A).

9 (C) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
10 IN SUBDIVISIONS (A) AND (B) UNDER A LAW OF THE UNITED STATES, ANY
11 STATE, OR ANY COUNTRY.

12 (2) THE DEPARTMENT SHALL REMOVE FROM AN INDIVIDUAL'S REGIS-
13 TRATION AND THE DATABASES MAINTAINED UNDER SECTION 8 ANY OFFENSE
14 DESCRIBED IN SUBSECTION (1).

15 (3) THE DEPARTMENT SHALL IDENTIFY FROM THE DATABASE MAIN-
16 TAINED UNDER SECTION 8(1) ALL INDIVIDUALS WHO POTENTIALLY MEET
17 THE REQUIREMENTS OF SUBSECTION (1) OR (2) AND PROVIDE TO EACH OF
18 THOSE INDIVIDUALS AN OPPORTUNITY TO DEMONSTRATE THAT THE INDIVID-
19 UAL MAY AVAIL HIMSELF OR HERSELF OF A REMEDY DESCRIBED IN SUBSEC-
20 TIONS (1) AND (2).