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Senate Bills 616 and 617 (as introduced 6-16-05)
Sponsor: Senator Nancy Cassis (S.B. 616)
 Senator Laura M. Toy (S.B. 617)
Committee: Education

Date Completed: 6-21-05

CONTENT

Senate Bill 617 would amend the Sex Offenders Registration Act to prohibit a person required to register under the Act from living, working, or loitering within 1,000 feet of school property, subject to certain exceptions; and prescribe criminal penalties for violations. Senate Bill 616 would amend the Code of Criminal Procedure to include a felony violation of Senate Bill 617 in the sentencing guidelines.

Senate Bill 616 is tie-barred to Senate Bill 617.

Senate Bill 617

Under the bill, a person required to be registered under the Sex Offenders Registration Act could not reside, work, or loiter within a "student safety zone", i.e., "an area that lies 1,000 feet or less from school property".

A first violation would be a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. A second or subsequent violation would be a felony punishable by imprisonment for up to two years and/or a maximum fine of \$2,000.

The prohibition would not apply to any of the following:

- An individual who resided or worked within a student safety zone before the bill's effective date.
- An individual whose residence or place of employment was within a student safety zone solely because a school was relocated or was initially established 1,000 feet or less from the individual's residence.
- An individual who resided within a student safety zone because he or she was an inmate or resident of a prison, jail, juvenile facility, or other correctional facility, or was a patient of a mental health facility under an order of commitment.
- An individual under 18 years old who lived with his or her parent or guardian.
- A patient in a hospital or hospice.

The bill would define "school property" as a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school. "School" would mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

Senate Bill 616

The bill would include in the sentencing guidelines a second or subsequent student safety zone violation. The offense would be a Class G felony against the public trust, subject to a maximum term of two years.

MCL 777.11b (S.B. 616)
Proposed MCL 28.733 & 28.734 (S.B. 617)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of violating the student safety zones. Local units of government incur the costs of misdemeanor probation and incarceration in local facilities, both of which vary by county. The State incurs the cost of felony probation at an average annual cost of \$2,000, and the cost of incarceration in a State facility at an average annual cost of \$28,000.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.