

SUBSTITUTE FOR
HOUSE BILL NO. 4932

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
(MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA
237, and by adding headings for articles I and II and by adding
article III.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to require persons convicted of certain offenses to
register; **TO PROHIBIT CERTAIN INDIVIDUALS FROM RESIDING WITHIN A
STUDENT SAFETY ZONE**; to prescribe the powers and duties of certain
departments and agencies in connection with that registration; and
to prescribe penalties and sanctions.

I GENERAL

II SEX OFFENDER REGISTRATION

III STUDENT SAFETY ZONES

SEC. 33. AS USED IN THIS ARTICLE:

(A) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

(B) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGARTEN, OR ANY GRADE FROM 1 THROUGH 12.

(C) "SCHOOL PROPERTY" MEANS A BUILDING, FACILITY, OR STRUCTURE AND OTHER REAL ESTATE OWNED, LEASED, OR OTHERWISE CONTROLLED BY A SCHOOL.

(D) "STUDENT SAFETY ZONE" MEANS THE AREA THAT LIES 1,000 FEET OR LESS FROM SCHOOL PROPERTY.

[(E) "WORK" MEANS CONTINUOUS AND REGULAR EMPLOYMENT.]

SEC. 34. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER ARTICLE II [BECAUSE HE OR SHE WAS CONVICTED OF A LISTED OFFENSE THAT IS A FELONY] SHALL NOT RESIDE, WORK, OR LOITER WITHIN A STUDENT SAFETY ZONE. AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

(A) FOR THE FIRST VIOLATION, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

(B) FOR THE SECOND OR SUBSEQUENT VIOLATION, THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

(2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

(A) AN INDIVIDUAL WHO RESIDED OR WORKED WITHIN A STUDENT SAFETY ZONE BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

(B) AN INDIVIDUAL WHOSE RESIDENCE OR PLACE OF EMPLOYMENT IS

1 WITHIN A STUDENT SAFETY ZONE SOLELY BECAUSE A SCHOOL IS RELOCATED
2 OR IS INITIALLY ESTABLISHED 1,000 FEET OR LESS FROM THE
3 INDIVIDUAL'S RESIDENCE OR PLACE OF EMPLOYMENT.

4 (C) AN INDIVIDUAL WHO RESIDES WITHIN A STUDENT SAFETY ZONE
5 BECAUSE THE INDIVIDUAL IS AN INMATE OR RESIDENT OF A PRISON, JAIL,
6 JUVENILE FACILITY, OR OTHER CORRECTIONAL FACILITY OR IS A PATIENT
7 OF A MENTAL HEALTH FACILITY UNDER AN ORDER OF COMMITMENT.

8 (D) A MINOR WHO RESIDES WITH HIS OR HER PARENT OR GUARDIAN.

9 (E) AN INDIVIDUAL WHO IS A PATIENT IN A HOSPITAL OR HOSPICE.

10 (3) AN INDIVIDUAL WHO RESIDES IN A STUDENT SAFETY ZONE AND WHO
11 IS SUBSEQUENTLY REQUIRED TO REGISTER UNDER ARTICLE II SHALL CHANGE
12 HIS OR HER RESIDENCE TO A LOCATION OUTSIDE THE STUDENT SAFETY ZONE
13 NOT MORE THAN 90 DAYS AFTER HE OR SHE IS SENTENCED FOR THE
14 CONVICTION THAT GIVES RISE TO THE OBLIGATION TO REGISTER UNDER
15 ARTICLE II.

16 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
17 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF
18 LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
19 SECTION.

20 Enacting section 1. This amendatory act takes effect October
21 15, 2005.