

# HOUSE BILL No. 4932

June 14, 2005, Introduced by Reps. Gaffney, Hune, Hildenbrand, Sheen, Sheltroun, Mortimer, Rocca, Jones, Pavlov, Hoogendyk, Palmer, Stakoe, Ward, Ball, Wojno, Polidori, Gonzales, Angerer, Farrah and Lemmons, III and referred to the Committee on Education.

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.

SEC. 34. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER ARTICLE II 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.

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.