

# SENATE BILL No. 1339

June 28, 2006, Introduced by Senator PRUSI 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), as amended by 2005 PA 301.

**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 any court having jurisdiction over criminal offenses,  
5 including, but not limited to, a tribal court or a military court,  
6 and including a conviction subsequently set aside under 1965 PA  
7 213, MCL 780.621 to 780.624.

8       (ii) Either of the following:

1 (A) Being assigned to youthful trainee status under sections  
2 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
3 175, MCL 762.11 to 762.15, before October 1, 2004.

4 (B) Being assigned to youthful trainee status under sections  
5 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
6 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the  
7 individual's status of youthful trainee is revoked and an  
8 adjudication of guilt is entered.

9 (iii) Having an order of disposition entered under section 18 of  
10 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,  
11 that is open to the general public under section 28 of chapter XIIA  
12 of the probate code of 1939, 1939 PA 288, MCL 712A.28.

13 (iv) Having an order of disposition or other adjudication in a  
14 juvenile matter in another state or country.

15 (v) **BEING THE SUBJECT OF A HEARING REPORT FORWARDED UNDER**  
16 **SECTION 57 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL**  
17 **791.257.**

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

19 (c) "Institution of higher education" means 1 or more of the  
20 following:

21 (i) A public or private community college, college, or  
22 university.

23 (ii) A public or private trade, vocational, or occupational  
24 school.

25 (d) "Local law enforcement agency" means the police department  
26 of a municipality.

27 (e) "Listed offense" means any of the following:

1 (i) A violation of section 145a, 145b, or 145c of the Michigan  
2 penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c.

3 (ii) A violation of section 158 of the Michigan penal code,  
4 1931 PA 328, MCL 750.158, if a victim is an individual less than 18  
5 years of age.

6 (iii) A violation of section 335a(2)(b) of the Michigan penal  
7 code, 1931 PA 328, MCL 750.335a, if that individual was previously  
8 convicted of violating section 335a of that act.

9 (iv) A third or subsequent violation of any combination of the  
10 following:

11 (A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328,  
12 MCL 750.167.

13 (B) Section 335a(2)(a) of the Michigan penal code, 1931 PA  
14 328, MCL 750.335a.

15 (C) A local ordinance of a municipality substantially  
16 corresponding to a section described in sub-subparagraph (A) or  
17 (B).

18 (v) Except for a juvenile disposition or adjudication, a  
19 violation of section 338, 338a, or 338b of the Michigan penal code,  
20 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an  
21 individual less than 18 years of age.

22 (vi) ANY VIOLATION OF SECTION 335A, 338, 338A, OR 338B OF THE  
23 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A, 750.338, 750.338A,  
24 AND 750.338B, IF THE PERPETRATOR IS A PRISONER AT THE TIME THE  
25 VIOLATION OCCURRED.

26 (vii) ~~(vi)~~ A violation of section 349 of the Michigan penal  
27 code, 1931 PA 328, MCL 750.349, if a victim is an individual less

1 than 18 years of age.

2       **(viii)** ~~—(vii)—~~ A violation of section 350 of the Michigan penal  
3 code, 1931 PA 328, MCL 750.350.

4       **(ix)** ~~—(viii)—~~ A violation of section 448 of the Michigan penal  
5 code, 1931 PA 328, MCL 750.448, if a victim is an individual less  
6 than 18 years of age.

7       **(x)** ~~—(ix)—~~ A violation of section 455 of the Michigan penal  
8 code, 1931 PA 328, MCL 750.455.

9       **(xi)** ~~—(x)—~~ A violation of section 520b, 520c, 520d, 520e, or  
10 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b,  
11 750.520c, 750.520d, 750.520e, and 750.520g.

12       **(xii)** ~~—(xi)—~~ Any other violation of a law of this state or a  
13 local ordinance of a municipality that by its nature constitutes a  
14 sexual offense against an individual who is less than 18 years of  
15 age.

16       **(xiii)** ~~—(xii)—~~ An offense committed by a person who was, at the  
17 time of the offense, a sexually delinquent person as defined in  
18 section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

19       **(xiv)** ~~—(xiii)—~~ An attempt or conspiracy to commit an offense  
20 described in subparagraphs (i) to ~~—(xii)—~~ **(xiii)**.

21       **(xv)** ~~—(xiv)—~~ An offense substantially similar to an offense  
22 described in subparagraphs (i) to ~~—(xiii)—~~ **(xiv)** under a law of the  
23 United States, any state, or any country or under tribal or  
24 military law.

25       (f) "Municipality" means a city, village, or township of this  
26 state.

27       (g) "Residence", as used in this act, for registration and

1 voting purposes means that place at which a person habitually  
2 sleeps, keeps his or her personal effects, and has a regular place  
3 of lodging. If a person has more than 1 residence, or if a wife has  
4 a residence separate from that of the husband, that place at which  
5 the person resides the greater part of the time shall be his or her  
6 official residence for the purposes of this act. This section shall  
7 not be construed to affect existing judicial interpretation of the  
8 term residence.

9 (h) "Student" means an individual enrolled on a full- or part-  
10 time basis in a public or private educational institution,  
11 including, but not limited to, a secondary school, trade school,  
12 professional institution, or institution of higher education.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No. 1340.

15 of the 93rd Legislature is enacted into law.