

HOUSE BILL No. 5467

September 24, 2009, Introduced by Rep. Schuitmaker 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:

9 (A) Being assigned to youthful trainee status under sections
10 11 to 15 of chapter II of the code of criminal procedure, 1927 PA

1 175, MCL 762.11 to 762.15, before October 1, 2004.

2 (B) Being assigned to youthful trainee status under sections
3 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
4 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
5 individual's status of youthful trainee is revoked and an
6 adjudication of guilt is entered.

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

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

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

14 (c) "Institution of higher education" means 1 or more of the
15 following:

16 (i) A public or private community college, college, or
17 university.

18 (ii) A public or private trade, vocational, or occupational
19 school.

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

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

23 (i) A violation of section 145a, 145b, ~~or 145c~~, **OR 145D(1)(A)**
24 of the Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b,
25 ~~and 750.145c~~, **AND 750.145D**.

26 (ii) A violation of section 158 of the Michigan penal code,
27 1931 PA 328, MCL 750.158, if a victim is an individual less than 18

1 years of age.

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

5 (iv) A third or subsequent violation of any combination of the
6 following:

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

9 (B) Section 335a(2)(a) of the Michigan penal code, 1931 PA
10 328, MCL 750.335a.

11 (C) A local ordinance of a municipality substantially
12 corresponding to a section described in sub-subparagraph (A) or
13 (B).

14 (v) Except for a juvenile disposition or adjudication, a
15 violation of section 338, 338a, or 338b of the Michigan penal code,
16 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
17 individual less than 18 years of age.

18 (vi) A violation of section 349 of the Michigan penal code,
19 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
20 years of age.

21 (vii) A violation of section 350 of the Michigan penal code,
22 1931 PA 328, MCL 750.350.

23 (viii) A violation of section 448 of the Michigan penal code,
24 1931 PA 328, MCL 750.448, if a victim is an individual less than 18
25 years of age.

26 (ix) A violation of section 455 of the Michigan penal code,
27 1931 PA 328, MCL 750.455.

1 (x) A violation of section 520b, 520c, 520d, 520e, or 520g of
2 the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
3 750.520d, 750.520e, and 750.520g.

4 (xi) Any other violation of a law of this state or a local
5 ordinance of a municipality that by its nature constitutes a sexual
6 offense against an individual who is less than 18 years of age.

7 (xii) An offense committed by a person who was, at the time of
8 the offense, a sexually delinquent person as defined in section 10a
9 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

10 (xiii) An attempt or conspiracy to commit an offense described
11 in subparagraphs (i) to (xii).

12 (xiv) An offense substantially similar to an offense described
13 in subparagraphs (i) to (xiii) under a law of the United States, any
14 state, or any country or under tribal or military law.

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

17 (g) "Residence", as used in this act, for registration and
18 voting purposes means that place at which a person habitually
19 sleeps, keeps his or her personal effects, and has a regular place
20 of lodging. If a person has more than 1 residence, or if a wife has
21 a residence separate from that of the husband, that place at which
22 the person resides the greater part of the time shall be his or her
23 official residence for the purposes of this act. This section shall
24 not be construed to affect existing judicial interpretation of the
25 term residence.

26 (h) "Student" means an individual enrolled on a full- or part-
27 time basis in a public or private educational institution,

- 1 including, but not limited to, a secondary school, trade school,
- 2 professional institution, or institution of higher education.