

HOUSE BILL No. 5942

September 25, 2012, Introduced by Reps. Muxlow, Hughes, LaFontaine, Callton, Zorn, Ananich, Ouimet, Damrow, Foster, Stapleton, Wayne Schmidt and Gilbert and referred to the Committee on Judiciary.

A bill to require individuals convicted of animal abuse offenses to register; to provide for the powers and duties of certain state and local governmental officers and entities; to impose fees; to prescribe penalties and provide remedies; and to require the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "Logan's
2 law".

3 Sec. 3. As used in this act:

4 (a) "Animal abuse offense" means 1 or more of the following:

5 (i) A violation of section 49 of the Michigan penal code, 1931
6 PA 328, MCL 750.49.

7 (ii) A violation of section 50 of the Michigan penal code, 1931
8 PA 328, MCL 750.50.

1 (iii) A violation of section 50a of the Michigan penal code,
2 1931 PA 328, MCL 750.50a.

3 (iv) A violation of section 50b of the Michigan penal code,
4 1931 PA 328, MCL 750.50b.

5 (v) A violation of section 50c of the Michigan penal code,
6 1931 PA 328, MCL 750.50c.

7 (vi) Any other violation of a law of this state or a local
8 ordinance of a municipality that by its nature constitutes an
9 animal abuse offense.

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

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

15 (b) "Convicted" means that 1 of the following applies to the
16 individual:

17 (i) A judgment of conviction or a probation order was entered
18 against the individual in any court having jurisdiction over
19 criminal offenses, including, but not limited to, a tribal court or
20 a military court, and including a conviction subsequently set aside
21 under 1965 PA 213, MCL 780.621 to 780.624.

22 (ii) The individual was assigned to youthful trainee status
23 under sections 11 to 15 of chapter II of the code of criminal
24 procedure, 1927 PA 175, MCL 762.11 to 762.15, if the individual's
25 status of youthful trainee is revoked and an adjudication of guilt
26 is entered.

27 (c) "Department" means the department of state police.

1 (d) "Domicile" means a place where an individual has his or
2 her true, fixed, and permanent home to which he or she intends to
3 return whenever absent from the home.

4 (e) "Institution of higher education" means 1 or more of the
5 following:

6 (i) A public or private community college, college, or
7 university.

8 (ii) A public or private trade, vocational, or occupational
9 school.

10 (f) "Local law enforcement agency" means the police department
11 of a county or municipality.

12 (g) "Municipality" means a city, village, or township of this
13 state.

14 (h) "Residence" means that place at which an individual
15 habitually sleeps, keeps his or her personal effects, and has a
16 regular place of lodging. If an individual has more than 1
17 residence, or if a wife has a residence separate from that of the
18 husband, that place at which the individual resides the greater
19 part of the time shall be his or her residence for purposes of this
20 act. This section shall not be construed to affect existing
21 judicial interpretation of the term residence.

22 (i) "Student" means an individual enrolled on a full- or part-
23 time basis in a public or private educational institution,
24 including, but not limited to, a secondary school, trade school,
25 professional institution, or institution of higher education.

26 Sec. 5. The following individuals who are domiciled or
27 temporarily reside in this state for 14 or more consecutive days,

1 who work with or without compensation or are students in this state
2 for 14 or more consecutive days, or who are domiciled, reside, or
3 work with or without compensation or are students in this state for
4 30 or more total days in a calendar year shall register under this
5 act:

6 (a) An individual who is 18 years of age or older and who is
7 convicted of an animal abuse offense on or after the effective date
8 of this act.

9 (b) An individual from another state who is 18 years of age or
10 older and who is convicted of an animal abuse offense on or after
11 the effective date of this act and is required to register or
12 otherwise be identified as an animal abuse offender under a
13 comparable statute of that state.

14 Sec. 7. (1) Except as provided in subsection (2), an
15 individual required to register under this act shall register no
16 later than 5 days after sentencing if the individual is not
17 sentenced to incarceration for the animal abuse offense. If the
18 individual is sentenced to incarceration for the animal abuse
19 offense, he or she shall register no later than 5 days after
20 release from incarceration. The probation officer shall give the
21 individual the registration form after the individual is convicted
22 and explain the duty to register and to pay a registration fee, to
23 verify his or her residence address, and to provide notice of
24 residence address changes.

25 (2) Both of the following shall register with the local law
26 enforcement agency, sheriff's department, or the department within
27 14 days after becoming domiciled, or temporarily residing, working,

1 or being a student in this state for the periods specified in
2 section 5:

3 (a) Subject to section 5, an individual convicted of an animal
4 abuse offense in another state or country on or after the effective
5 date of this act.

6 (b) An individual required to be registered as an animal abuse
7 offender in another state or country regardless of when the
8 conviction was entered.

9 Sec. 9. (1) An individual required to be registered under this
10 act shall notify the local law enforcement agency or sheriff's
11 department having jurisdiction where his or her new residence or
12 domicile is located or the department post of the individual's new
13 residence or domicile within 5 days after the individual changes or
14 vacates his or her residence, domicile, or place of work or
15 education.

16 (2) If an individual who is incarcerated in a state
17 correctional facility and is required to be registered under this
18 act is granted parole or is due to be released upon completion of
19 his or her maximum sentence, the department of corrections, before
20 releasing the individual, shall provide notice of the location of
21 the individual's proposed place of residence or domicile to the
22 sheriff's department having jurisdiction over that location or to
23 the appropriate state police department post.

24 (3) Within 5 days after either of the following occurs, the
25 department of corrections shall notify the local law enforcement
26 agency or sheriff's department having jurisdiction over the area to
27 which the individual is transferred or the department post of the

1 transferred residence or domicile of an individual required to be
2 registered under this act:

3 (a) The individual is transferred to a community residential
4 program.

5 (b) The individual is transferred into a minimum custody
6 correctional facility of any kind, including a correctional camp or
7 work camp.

8 (4) An individual required to be registered under this act
9 shall notify the department on a form prescribed by the department
10 not later than 5 days before he or she changes his or her domicile
11 or residence to another state. The individual shall indicate the
12 new state and, if known, the new address. The department shall
13 update the registration and compilation databases and promptly
14 notify the appropriate law enforcement agency and any applicable
15 animal abuse registration authority in the new state.

16 (5) If the probation or parole of an individual required to be
17 registered under this act is transferred to another state or an
18 individual required to be registered under this act is transferred
19 from a state correctional facility to any correctional facility or
20 probation or parole in another state, the department of corrections
21 shall promptly notify the department and the appropriate law
22 enforcement agency and any applicable animal abuse offender
23 registration authority in the new state. The department shall
24 update the registration and compilation databases.

25 (6) An individual registered under this act shall comply with
26 the verification procedures and proof of residence procedures
27 prescribed in section 11.

1 (7) An individual shall comply with this section for 5 years
2 after the date of initially registering or, if the individual is in
3 a state correctional facility, for 5 years after release from the
4 state correctional facility, whichever is later.

5 Sec. 11. (1) On the release of an individual required to be
6 registered under this act who is in a state correctional facility,
7 the department of corrections shall provide written notice to that
8 individual explaining his or her duties under this act and the
9 procedure for registration, notification, and verification and
10 payment of the registration fee prescribed under subsection (5) or
11 section 19. The individual shall sign and date the notice. The
12 department of corrections shall maintain a copy of the signed and
13 dated notice in the individual's file. The department of
14 corrections shall forward the original notice to the department
15 within 30 days, regardless of whether the individual signs it.

16 (2) Following initial registration under this act, an
17 individual required to be registered under this act who is not
18 incarcerated shall report in person to the local law enforcement
19 agency or sheriff's department having jurisdiction where he or she
20 is domiciled or resides or to the department post in or nearest to
21 the county where he or she is domiciled or resides for verification
22 of domicile or residence as follows:

23 (a) If the individual is registered only for 1 or more animal
24 abuse offenses that are misdemeanors, not earlier than January 1 or
25 later than January 15 of each year after the initial registration.
26 As used in this subdivision, "misdemeanor" means that term as
27 defined in section 1 of chapter I of the code of criminal

1 procedure, 1927 PA 175, MCL 761.1.

2 (b) If the person is registered for 1 or more animal abuse
3 offenses that are felonies, not earlier than the first day or later
4 than the fifteenth day of each April, July, October, and January of
5 each year after the initial registration. As used in this
6 subdivision, "felony" means that term as defined in section 1 of
7 chapter I of the code of criminal procedure, 1927 PA 175, MCL
8 761.1.

9 (3) An individual required to be registered under this act who
10 is in a state correctional facility shall comply with the
11 verification requirements of subsection (2) after his or her
12 release from incarceration.

13 (4) When an individual reports under subsection (2), an
14 officer or authorized employee of the local law enforcement agency,
15 sheriff's department, or department post shall verify the
16 individual's residence or domicile. The officer or authorized
17 employee shall sign and date a verification form. The officer shall
18 give a copy of the signed form showing the date of verification to
19 the individual. The officer or employee shall forward verification
20 information to the department by the law enforcement information
21 network in the manner the department prescribes. The department
22 shall revise the databases maintained under section 21 as necessary
23 and shall indicate verification in the compilation under section
24 21(2).

25 (5) Except as otherwise provided in section 13, an individual
26 who reports as prescribed under subsection (2) and who has not
27 already paid the fee prescribed under section 19 shall pay a \$50.00

1 registration fee. An individual shall only be required to pay a fee
2 once under this subsection.

3 (6) If an individual fails to report under subsection (2), the
4 department shall notify the local law enforcement agency, sheriff's
5 department, or department post. An appearance ticket may be issued
6 for the individual's failure to report as provided in sections 9a
7 to 9g of chapter IV of the code of criminal procedure, 1927 PA 175,
8 MCL 764.9a to 764.9g.

9 (7) An individual required to be registered under this act
10 shall maintain either a valid operator's or chauffeur's license
11 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
12 257.923, or an official state personal identification card issued
13 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
14 current address. The license or personal identification card may be
15 used as proof of domicile or residence. An officer or authorized
16 employee of the local law enforcement agency, sheriff's department,
17 or department post may require the individual to produce another
18 document bearing his or her name and address, including, but not
19 limited to, voter registration or a utility or other bill. The
20 department may specify other satisfactory proof of domicile or
21 residence.

22 (8) An individual required to be registered under this act who
23 is not incarcerated shall report in person to a secretary of state
24 office and have his or her digitized photograph taken prior to
25 registration. An individual required to be registered under this
26 act who is incarcerated shall report under this subsection not less
27 than 5 days after he or she is released. The individual is not

1 required to report under this subsection if he or she had a
2 digitized photograph taken for an operator's or chauffeur's license
3 or official state personal identification card before the effective
4 date of this act, or within 2 years before he or she is released.

5 The secretary of state shall make the digitized photograph
6 available to the department for a registration under this act.

7 (9) The department shall prescribe the form for the notices
8 and verification procedures required by this section.

9 Sec. 13. (1) Of the money collected by a court, local law
10 enforcement agency, sheriff's department, or department post from
11 each registration fee prescribed under this act, \$35.00 shall be
12 forwarded to the department, which shall deposit the money in the
13 animal abuse offenders registration fund created under subsection
14 (2), and \$15.00 shall be retained by the court, local law
15 enforcement agency, sheriff's department, or department post.

16 (2) The animal abuse offenders registration fund is created as
17 a separate fund in the department of treasury. The state treasurer
18 shall credit the money received from the payment of the
19 registration fee prescribed under this act to the animal abuse
20 offenders registration fund. Money credited to the fund shall only
21 be used by the department for training concerning, and the
22 maintenance and automation of, the databases, compilation, and
23 information required under section 21. Money in the animal abuse
24 offenders registration fund at the close of the fiscal year shall
25 remain in the fund and shall not lapse to the general fund.

26 (3) If an individual required to pay a registration fee under
27 this act is indigent, the registration fee shall be temporarily

1 waived. The burden is on the individual claiming indigence to prove
2 the fact of indigence to the satisfaction of the local law
3 enforcement agency, sheriff's department, or department post where
4 the individual is reporting.

5 (4) Payment of the registration fee under this act shall be
6 made in the form and by means prescribed by the department. Upon
7 payment of the registration fee prescribed under this act, the
8 officer or employee shall forward verification of the payment to
9 the department by the law enforcement information network in the
10 manner the department prescribes. The department shall revise the
11 databases maintained under section 21 as necessary and shall
12 indicate verification of payment in the compilation under section
13 21(2).

14 Sec. 15. The department of corrections shall not collect any
15 fees under this act.

16 Sec. 17. (1) The officer or authorized employee of a local law
17 enforcement agency, sheriff's department, or department post
18 registering an individual or receiving or accepting a registration
19 under section 7 or receiving notice under section 9 shall provide
20 the individual with a copy of the registration or notification at
21 the time of registration or notice.

22 (2) The officer or authorized employee of a local law
23 enforcement agency, sheriff's department, or department post
24 registering an individual or receiving or accepting a registration
25 under section 7 or notified of an address change under section 9(1)
26 shall forward the registration or notification to the department by
27 the law enforcement information network within 3 business days

1 after registration or notification.

2 Sec. 19. (1) A registration under this act shall be made on a
3 form prescribed by the department and shall be forwarded to the
4 department in the format the department prescribes, along with a
5 \$50.00 registration fee for each original registration, except as
6 otherwise provided in section 13. A registration shall contain all
7 of the following information:

8 (a) The individual's name, social security number, date of
9 birth, and address or expected address. An individual who is in a
10 witness protection and relocation program is only required to use
11 the name and identifying information reflecting his or her new
12 identity in a registration under this act, and the registration and
13 compilation databases shall not contain any information identifying
14 the individual's prior identity or locale. The department shall
15 request each individual to provide his or her date of birth if it
16 is not included in the registration, and that individual shall
17 comply with the request within 10 days.

18 (b) A brief summary of the individual's convictions for animal
19 abuse offenses regardless of when the conviction occurred,
20 including where the offense occurred and the original charge if the
21 conviction was for a lesser offense.

22 (c) A complete physical description of the individual.

23 (d) The photograph required under section 11.

24 (e) The individual's fingerprints if not already on file with
25 the department. The department shall forward a copy of the
26 individual's fingerprints to the federal bureau of investigation if
27 not already on file with that bureau.

1 (2) A registration may contain the individual's blood type and
2 whether a DNA identification profile of the individual is
3 available.

4 (3) The form used for registration or verification under this
5 act shall contain a written statement that explains the duty of the
6 individual being registered to provide notice of a change of
7 address under section 9, the procedures for providing that notice,
8 and the verification procedures under section 11.

9 (4) The individual shall sign a registration, notice, and
10 verification. However, the registration, notice, or verification
11 shall be forwarded to the department regardless of whether the
12 individual signs it or pays the registration fee required under
13 subsection (1).

14 (5) The officer or authorized employee of a local law
15 enforcement agency, sheriff's department, or department post
16 registering the individual or receiving or accepting a registration
17 under section 7 shall sign the registration form.

18 (6) An individual shall not knowingly provide false or
19 misleading information concerning a registration, notice, or
20 verification.

21 (7) The department shall prescribe the form for a notification
22 required under section 9 and the format for forwarding the
23 notification to the department.

24 (8) The department shall promptly provide registration,
25 notification, and verification information to the federal bureau of
26 investigation and to local law enforcement agencies, sheriff's
27 departments, department posts, and agencies of other states

1 requiring the information, as provided by law.

2 Sec. 21. (1) The department shall maintain a computerized
3 database of registrations and notices required under this act.

4 (2) The department shall maintain a computerized database
5 separate from that described in subsection (1) to implement
6 subsection (3) and section 25(2) and (3). The database shall
7 consist of a compilation of individuals registered under this act.

8 (3) The compilation of individuals shall be indexed
9 numerically by zip code area. Within each zip code area, the
10 compilation shall contain all of the following information:

11 (a) The name and aliases, physical description, and birth date
12 of each individual registered under this act who is included in the
13 compilation and who resides in that zip code area and any animal
14 abuse offense of which the individual has been convicted.

15 (b) The photograph of each individual registered under this
16 act. The department shall obtain the photographs submitted under
17 section 11 from the secretary of state for purposes of implementing
18 this subdivision.

19 (4) The department shall update the compilation with new
20 registrations, deletions from registrations, and address changes at
21 the same time those changes are made to the database described in
22 subsection (1). The department shall make the compilation available
23 to each department post, local law enforcement agency, and
24 sheriff's department by the law enforcement information network.
25 Upon request of a department post, local law enforcement agency, or
26 sheriff's department, the department shall provide the information
27 from the compilation in printed form for the zip code areas located

1 in whole or in part within the post's, agency's, or sheriff's
2 department's jurisdiction.

3 (5) The department shall make the compilation or information
4 from the compilation available to a department post, local law
5 enforcement agency, and sheriff's department by electronic,
6 computerized, or other similar means accessible to the post,
7 agency, or sheriff's department. The electronic, computerized, or
8 other means shall provide for a search by both name and zip code.

9 (6) If a court determines that public availability of
10 information under subsection (5) or section 25 concerning
11 individuals registered under this act, including names and aliases,
12 addresses, physical descriptions, or dates of birth, violates the
13 constitution of the United States or this state, the department
14 shall revise the compilation in subsection (2) so that it does not
15 contain that information.

16 Sec. 23. (1) An individual required to be registered under
17 this act who willfully violates this act is guilty of a misdemeanor
18 punishable by imprisonment for not more than 93 days or a fine of
19 not more than \$1,000.00, or both.

20 (2) The court shall revoke the probation of an individual
21 placed on probation who willfully violates this act.

22 (3) The parole board shall rescind the parole of an individual
23 released on parole who willfully violates this act.

24 (4) An individual's failure to register as required by this
25 act or a violation of section 9(1) or (4) may be prosecuted in the
26 judicial district of any of the following:

27 (a) The individual's last registered address or residence.

1 (b) The individual's actual address or residence.

2 (c) Where the individual was arrested for the violation.

3 Sec. 25. (1) Except as otherwise provided in this act, a
4 registration or report is confidential and information from that
5 registration or report shall not be open to inspection except for
6 law enforcement purposes. The registration or report and all
7 included materials and information are exempt from disclosure
8 under the freedom of information act, 1976 PA 442, MCL 15.231 to
9 15.246.

10 (2) A department post, local law enforcement agency, or
11 sheriff's department shall make information from the compilation
12 described in section 21(2) for the zip code areas located in whole
13 or in part within the post's, agency's, or sheriff's department's
14 jurisdiction available for public inspection during regular
15 business hours. A department post, local law enforcement agency, or
16 sheriff's department is not required to make a copy of the
17 information for a member of the public.

18 (3) The department may make information from the compilation
19 described in section 21(2) available to the public through
20 electronic, computerized, or other accessible means. The department
21 shall provide for notification by electronic or computerized means
22 to any member of the public who has subscribed in a manner required
23 by the department when an individual who is the subject of the
24 compilation described in section 21(2) initially registers under
25 this act, or changes his or her registration under this act, to a
26 location that is in a zip code area designated by the subscribing
27 member of the public.

1 (4) Except as provided in this act, an individual other than
2 the registrant who knows of a registration or report under this act
3 and who divulges, uses, or publishes nonpublic information
4 concerning the registration or report in violation of this act is
5 guilty of a misdemeanor punishable by imprisonment for not more
6 than 93 days or a fine of not more than \$1,000.00, or both.

7 (5) A person who reveals a registration or report in violation
8 of this act is liable to the individual whose registration or
9 report is revealed for treble damages.

10 (6) Subsections (4) and (5) do not apply to the compilation
11 described in section 21(2) or information from that compilation
12 that is provided or made available under section 21(2) or under
13 subsection (2) or (3).

14 Sec. 27. The department shall promulgate rules and adopt
15 regulations for the administration of the Michigan animal abuse
16 offenders registry and collection of fees.