

HOUSE BILL No. 4355

March 1, 2011, Introduced by Reps. Moss and Walsh and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
(MCL 28.721 to 28.736) by adding section 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 37. (1) AS USED IN THIS SECTION:

2 (A) "CHILD SEXUAL OFFENDER" MEANS AN INDIVIDUAL 18 YEARS OF
3 AGE OR OLDER WHO HAS BEEN CONVICTED OF ANY OF THE FOLLOWING:

4 (i) A LISTED OFFENSE COMMITTED AGAINST AN INDIVIDUAL LESS THAN
5 16 YEARS OF AGE.

6 (ii) A VIOLATION OF SECTION 145C OF THE MICHIGAN PENAL CODE,
7 1931 PA 328, MCL 750.145C, INVOLVING ANY CHILD SEXUALLY ABUSIVE
8 MATERIAL OR PERFORMANCE.

9 (B) "PREDATORY OFFENDER" MEANS AN INDIVIDUAL 18 YEARS OF AGE

1 OR OLDER WHO HAS BEEN CONVICTED OF 2 OR MORE LISTED OFFENSES
2 ARISING OUT OF SEPARATE CRIMINAL TRANSACTIONS OR WHO IS DETERMINED
3 TO BE A SEXUALLY DELINQUENT PERSON AS DEFINED IN SECTION 10A OF THE
4 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.10A.

5 (C) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 33
6 BUT INCLUDES A SCHOOL BUS AND ANY OTHER VEHICLE BEING USED TO
7 TRANSPORT SCHOOL STUDENTS.

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN INDIVIDUAL 18
9 YEARS OF AGE OR OLDER WHO IS REQUIRED TO BE REGISTERED UNDER THIS
10 ACT SHALL NOT ENTER ONTO ANY SCHOOL PROPERTY EXCEPT AS FOLLOWS:

11 (A) IF THE INDIVIDUAL IS A STUDENT AT THAT SCHOOL, THE
12 INDIVIDUAL MAY ENTER ONTO SCHOOL PROPERTY AT ANY TIME THE SCHOOL
13 PROPERTY IS AVAILABLE FOR USE BY STUDENTS UNLESS OTHERWISE
14 PROHIBITED BY THE SCHOOL.

15 (B) IF THE INDIVIDUAL IS A PARENT OR GUARDIAN, SIBLING, OR
16 GRANDPARENT OF A CHILD ATTENDING THAT SCHOOL AND IS REQUIRED TO BE
17 REGISTERED UNDER THIS ACT BUT IS NOT A PREDATORY OFFENDER OR A
18 CHILD SEXUAL OFFENDER, THE INDIVIDUAL MAY ENTER ONTO SCHOOL
19 PROPERTY ONLY DURING SCHOOL HOURS AND ONLY AS EXPRESSLY PERMITTED
20 BY THE SCHOOL. THE FAILURE OF A SCHOOL TO RESPOND TO THE
21 INDIVIDUAL'S REQUEST TO ENTER ONTO SCHOOL PROPERTY OR TO OTHERWISE
22 GRANT PERMISSION TO ENTER ONTO SCHOOL PROPERTY UNDER THIS
23 SUBDIVISION CONSTITUTES A DENIAL OF PERMISSION. THE TERMS OF ANY
24 PERMISSION GRANTED BY A SCHOOL SHALL BE STRICTLY CONSTRUED IN
25 DETERMINING WHETHER THE INDIVIDUAL HAS EXCEEDED HIS OR HER
26 AUTHORITY TO ENTER ONTO OR REMAIN ON SCHOOL PROPERTY.

27 (C) IF THE INDIVIDUAL IS A PARENT OR GUARDIAN OF A CHILD

1 ATTENDING THAT SCHOOL AND IS A PREDATORY OFFENDER OR A CHILD SEXUAL
2 OFFENDER, THE INDIVIDUAL MAY ENTER ONTO SCHOOL PROPERTY ONLY DURING
3 SCHOOL HOURS, ONLY AS EXPRESSLY PERMITTED BY THE SCHOOL, AND ONLY
4 AS PROVIDED IN THIS SECTION. THE FAILURE OF A SCHOOL TO RESPOND TO
5 THE INDIVIDUAL'S REQUEST TO ENTER ONTO SCHOOL PROPERTY OR TO
6 OTHERWISE GRANT PERMISSION TO ENTER ONTO SCHOOL PROPERTY UNDER THIS
7 SUBDIVISION CONSTITUTES A DENIAL OF PERMISSION. THE TERMS OF ANY
8 PERMISSION GRANTED BY A SCHOOL SHALL BE STRICTLY CONSTRUED IN
9 DETERMINING WHETHER THE INDIVIDUAL HAS EXCEEDED HIS OR HER
10 AUTHORITY TO ENTER ONTO OR REMAIN ON SCHOOL PROPERTY.

11 (3) SUBSECTION (2) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
12 REQUIRED TO BE REGISTERED UNDER THIS ACT BUT WHO IS NOT A PREDATORY
13 OFFENDER OR A CHILD SEXUAL OFFENDER WHO ENTERS ONTO SCHOOL PROPERTY
14 AFTER SCHOOL HOURS TO ATTEND ANY FUNCTION OR EVENT THAT IS OPEN TO
15 THE GENERAL PUBLIC INCLUDING A SCHOOL SPORTING EVENT. HOWEVER, THE
16 INDIVIDUAL'S RIGHT TO ENTER ONTO SCHOOL PROPERTY AND HIS OR HER
17 CONDUCT WHILE ON THAT SCHOOL PROPERTY SHALL BE SUBJECT TO THE RULES
18 OF THE SCHOOL AND TO ANY PROHIBITION IMPOSED BY THE SCHOOL UNDER
19 SUBSECTION (4).

20 (4) THIS SECTION DOES NOT PROHIBIT A SCHOOL FROM PROHIBITING
21 ANY INDIVIDUAL, ANY CLASS OF INDIVIDUALS, OR ALL INDIVIDUALS
22 REQUIRED TO REGISTER UNDER THIS ACT FROM ENTERING ONTO SCHOOL
23 PROPERTY AT ANY TIME.

24 (5) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS
25 SECTION, AN INDIVIDUAL REQUIRED TO REGISTER UNDER THIS ACT SHALL
26 NOT CHAPERONE STUDENTS FOR ANY SCHOOL FUNCTION OR EVENT.

27 (6) IF A PREDATORY OFFENDER OR CHILD SEXUAL OFFENDER HAS A

1 CHILD OR WARD IN A SCHOOL, THE PREDATORY OFFENDER OR CHILD SEXUAL
2 OFFENDER SHALL REGISTER WITH THAT SCHOOL BY SEPTEMBER 30 OF EACH
3 YEAR OR, IF HIS OR HER CHILD IS ENROLLED IN THAT SCHOOL AFTER
4 SEPTEMBER 30, WITHIN 10 DAYS AFTER THE DATE OF ENROLLMENT AS
5 FOLLOWS:

6 (A) THE REGISTRATION SHALL BE IN WRITING. THE SCHOOL MAY
7 PROVIDE OR DESIGNATE THE REGISTRATION FORM TO BE USED UNDER THIS
8 SUBDIVISION.

9 (B) THE PREDATORY OFFENDER OR CHILD SEXUAL OFFENDER SHALL
10 PROVIDE ALL OF THE FOLLOWING INFORMATION ON THE REGISTRATION FORM:

11 (i) THE DATE.

12 (ii) HIS OR HER FULL NAME AND ADDRESS.

13 (iii) THE FULL NAME OF HIS OR HER CHILD OR WARD.

14 (iv) A STATEMENT OF THE LISTED OFFENSES OF WHICH HE OR SHE WAS
15 CONVICTED. THE STATEMENT SHALL INCLUDE THE DATE OF EACH CONVICTION
16 AND THE NAME OF THE COURT IN WHICH THE CONVICTION WAS OBTAINED.

17 (v) ANY OTHER INFORMATION REQUIRED BY THE SCHOOL.

18 (7) AN INDIVIDUAL REQUIRED TO REGISTER WITH A SCHOOL UNDER
19 SUBSECTION (6) SHALL REPORT ANY CHANGE IN THE REGISTRATION
20 INFORMATION PROVIDED TO THE SCHOOL UNDER THAT SUBSECTION WITHIN 10
21 DAYS AFTER THE CHANGE TAKES PLACE.

22 (8) A REGISTRATION UNDER SUBSECTION (6) IS VALID FOR THE
23 SCHOOL YEAR.

24 (9) SUBJECT TO SUBSECTION (2)(C), A PREDATORY OFFENDER OR
25 CHILD SEXUAL OFFENDER WHO PROPERLY REGISTERS UNDER THIS SECTION MAY
26 ENTER ONTO SCHOOL PROPERTY TO ATTEND A SCHOOL FUNCTION OR ACTIVITY
27 AT THAT SCHOOL ONLY DURING SCHOOL HOURS AND ONLY UNDER THE

1 FOLLOWING CIRCUMSTANCES:

2 (A) THE SCHOOL FUNCTION OR ACTIVITY INVOLVES HIS OR HER CHILD
3 OR WARD.

4 (B) HE OR SHE FIRST IMMEDIATELY REPORTS IN PERSON AT THE
5 SCHOOL OFFICE OR AS OTHERWISE PROVIDED BY THE SCHOOL.

6 (C) EXCEPT AS PROVIDED IN SUBDIVISION (D), HE OR SHE IS
7 ACCOMPANIED BY A SCHOOL EMPLOYEE OR SCHOOL VOLUNTEER WHO IS 21
8 YEARS OF AGE OR OLDER AND NOT REQUIRED TO REGISTER UNDER THIS ACT
9 AT ALL TIMES WHILE HE OR SHE IS ON SCHOOL PROPERTY.

10 (D) IF HE OR SHE IS ATTENDING A SCHOOL FUNCTION OR EVENT
11 DURING SCHOOL HOURS THAT IS OPEN TO THE GENERAL PUBLIC OR TO ALL OF
12 THE PARENTS OR GUARDIANS OF CHILDREN IN ATTENDANCE AT THAT SCHOOL,
13 HE OR SHE IS ACCOMPANIED TO AND FROM HIS OR HER SEAT BY THE SCHOOL
14 EMPLOYEE OR SCHOOL VOLUNTEER DESCRIBED IN SUBDIVISION (C).

15 (E) HE OR SHE DOES NOT INITIATE OR MAINTAIN CONTACT WITH ANY
16 CHILD OTHER THAN HIS OR HER OWN CHILD OR WARD EXCEPT AS APPROVED BY
17 THE SCHOOL EMPLOYEE OR SCHOOL VOLUNTEER DESCRIBED IN SUBDIVISION
18 (C).

19 (10) IF A PREDATORY OFFENDER OR CHILD SEXUAL OFFENDER
20 REGISTERS UNDER THIS SECTION TO ENTER ONTO SCHOOL PROPERTY, THE
21 SCHOOL SHALL DO ALL OF THE FOLLOWING:

22 (A) WITHIN 10 DAYS AFTER RECEIVING THE COMPLETED REGISTRATION
23 FORM, AND BEFORE ALLOWING THE PREDATORY OFFENDER OR CHILD SEXUAL
24 OFFENDER TO ENTER ONTO SCHOOL PROPERTY, NOTIFY ALL EMPLOYEES OF THE
25 SCHOOL THAT THE PREDATORY OFFENDER OR CHILD SEXUAL OFFENDER IS THE
26 PARENT OR GUARDIAN OF THAT CHILD.

27 (B) UPON INQUIRY BY A PARENT OR GUARDIAN OF ANY OTHER CHILD IN

1 THAT SCHOOL, PROVIDE THAT PARENT OR GUARDIAN WITH THE REGISTRATION
2 INFORMATION FOR EACH PREDATORY OFFENDER OR CHILD SEXUAL OFFENDER
3 THAT HAS A CHILD IN THAT SCHOOL. HOWEVER, THE REPORT UNDER THIS
4 SUBDIVISION SHALL NOT DISCLOSE THE NAME OF THE CHILD.

5 (11) A SCHOOL MAY COMPLY WITH THE REQUIREMENTS OF SUBSECTION
6 (10) (B) BY MAKING THE PREDATORY OFFENDER AND CHILD SEXUAL OFFENDER
7 INFORMATION REQUIRED UNDER SUBSECTION (10) AVAILABLE TO PARENTS AND
8 GUARDIANS OF CHILDREN IN ATTENDANCE AT THAT SCHOOL AT ALL TIMES
9 THROUGH THE INTERNET.

10 (12) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL REQUIRED TO
11 BE REGISTERED UNDER THIS ACT FROM DOING ANY OF THE FOLLOWING:

12 (A) PICKING UP OR DROPPING OFF HIS OR HER CHILD OR WARD AT
13 SCHOOL IF HE OR SHE REMAINS IN HIS OR HER VEHICLE IN AN AREA
14 DESIGNATED FOR THE PARKING OF VEHICLES OR AN AREA DESIGNATED FOR
15 PICKING UP OR DROPPING OFF CHILDREN AT SCHOOL. HOWEVER, THE
16 INDIVIDUAL SHALL NOT INITIATE OR MAINTAIN CONTACT WITH ANY CHILD
17 OTHER THAN HIS OR HER OWN CHILD OR WARD WHILE HE OR SHE IS ON
18 SCHOOL PROPERTY.

19 (B) ENTERING ONTO SCHOOL PROPERTY IN RESPONSE TO NOTIFICATION
20 BY THE SCHOOL, A LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, OR
21 EMERGENCY CARE PROVIDER THAT HIS OR HER CHILD OR WARD IS INVOLVED
22 IN, OR HAS BEEN INVOLVED IN, A MEDICAL OR EMERGENCY SITUATION FOR
23 WHICH THE INDIVIDUAL'S PRESENCE ON SCHOOL PROPERTY IS REQUESTED OR
24 REQUIRED. HOWEVER, THE INDIVIDUAL SHALL NOT INITIATE OR MAINTAIN
25 CONTACT WITH ANY CHILD OTHER THAN HIS OR HER OWN CHILD OR WARD
26 WHILE HE OR SHE IS ON SCHOOL PROPERTY.

27 (C) ENTERING ONTO SCHOOL PROPERTY TO VOTE IN AN ELECTION IN

1 WHICH THE SCHOOL IS HIS OR HER POLLING PLACE LOCATION. HOWEVER, THE
2 INDIVIDUAL SHALL NOT INITIATE OR MAINTAIN CONTACT WITH ANY CHILD
3 OTHER THAN HIS OR HER OWN CHILD OR WARD WHILE HE OR SHE IS ON
4 SCHOOL PROPERTY.

5 (13) REGISTRATION INFORMATION MAINTAINED BY A SCHOOL UNDER
6 SUBSECTION (6) IS SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF
7 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. HOWEVER, THE
8 NAME OF THE CHILD ATTENDING THE SCHOOL IS CONFIDENTIAL AND SHALL
9 NOT BE DISCLOSED UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
10 MCL 15.231 TO 15.246, OR UNDER THIS SUBSECTION.

11 (14) A SCHOOL IS SUBJECT TO AN INJUNCTIVE ORDER REQUIRING
12 COMPLIANCE WITH THIS ACT. HOWEVER, THE SCHOOL DISTRICT, THE SCHOOL
13 BOARD, THE SCHOOL, AND ALL SCHOOL EMPLOYEES AND VOLUNTEERS ARE
14 IMMUNE FOR CIVIL DAMAGES ARISING OUT OF ANY FAILURE TO COMPLY WITH
15 THE REQUIREMENTS OF THIS SECTION OR FOR THE MANNER OF COMPLIANCE,
16 INCLUDING ANY DECISION TO GRANT OR DENY ENTRY ONTO SCHOOL PROPERTY,
17 OR FOR FAILING TO ACT ON A REQUEST TO ENTER ONTO SCHOOL PROPERTY.