



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 221 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Criminal Justice

PUBLIC ACT 149 of 2013

Date Completed: 11-21-13

CONTENT

The bill amends the Sex Offenders Registration Act (SORA) to do the following:

- **Require a person registered under the Act to pay an annual, rather than a one-time, \$50 registration fee.**
- **Cap the fees that a registrant must pay at \$550.**
- **Excuse from the annual fee requirement a person who is initially required to register after January 1, 2019.**
- **Revise the schedule for a registrant's annual, biannual, or quarterly reporting to a registering authority.**

The bill will take effect on April 1, 2014.

Registration Fee

Currently, an individual who is required to be registered and is not incarcerated must report in person to the registering authority where he or she lives. ("Registering authority" means the local law enforcement agency or sheriff's office, or the nearest State Police post designated to receive or enter sex offender registration information.) An individual who reports must pay a \$50 registration fee if he or she has not already paid a fee upon original registration. The fee must be paid only once.

The bill deletes the provision that the fee must be paid only once. Instead, an individual who reports as required under SORA will have to pay a \$50 registration fee upon initial registration and then annually. Payment of the annual fee will have to be made at the time the registrant reports, in the first reporting month in which he or she is required to report, in each year in which the fee applies, unless the registrant elects to prepay an annual registration fee for any future year for which an annual fee is required. Prepaying any annual fee will not change or alter the reporting requirements applicable to the registrant.

Payment of the annual registration fee will not be required either for any registration year that expires before January 1, 2014, or by any individual initially required to register under SORA after January 1, 2019.

The annual registration fee may not be prorated on the ground that the registrant will complete his or her registration period after the month in which the fee is due.

The sum of the initial and annual registration fees may not exceed \$550.

(The Act requires \$30 of each registration fee to be forwarded to the Michigan Department of State Police (MSP) for deposit in the Sex Offenders Registration Fund, and \$20 to be retained by the court, local law enforcement agency, sheriff's department, or MSP post. The MSP may use money credited to the Fund for training concerning, and the maintenance and automation of, the law enforcement database, public internet website, and information required to be collected and maintained for the database and website, or for notification and offender registration duties. Money in the Fund at the close of the fiscal year must remain in the Fund and may not lapse to the General Fund.)

Reporting Schedule

The Act requires a registrant to report to a registering authority annually, biannually, or quarterly, depending on whether he or she is a Tier I, Tier II, or Tier III offender. Tier I offenders must report in January; Tier II offenders must report in January and July; and Tier III offenders must report in January, April, July, and October. Registrants must report in the first 15 days of those months.

Under the bill, a Tier I offender will have to report once each year, during the month of his or her birth. A Tier II offender will have to report during the month of his or her birth and then six months later, as shown in Table 1. A Tier III offender will have to report during the month of his or her birth and then every three months, as shown in Table 2.

Table 1

Reporting Schedule for Tier II Offenders	
Birth Month	Reporting Months
January	January & July
February	February & August
March	March & September
April	April & October
May	May & November
June	June & December
July	January & July
August	February & August
September	March & September
October	April & October
November	May & November
December	June & December

Table 2

Reporting Schedule for Tier III Offenders	
Birth Month	Reporting Months
January	January, April, July, & October
February	February, May, August, & November
March	March, June, September, & December
April	April, July, October, & January
May	May, August, November, & February
June	June, September, December, & March
July	July, October, January, & April
August	August, November, February, & May
September	September, December, March, & June
October	October, January, April, & July
November	November, February, May, & August
December	December, March, June, & September

A report under the schedule outlined in the bill will have to be made between the first day and the last day of the month in which the person is required to report. If a person's registration period expires during the month in which the person is required to report, however, he or she will have to report during that month on or before the date his or her registration period expires.

MCL 28.725a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have a significant fiscal impact on State and local funding for support of operations under the Act, increasing the current annual restricted revenue for this purpose from approximately \$160,000 in fee revenue to up to \$700,000.

According to the Michigan State Police, current revenue from the one-time registration fee provides approximately \$90,000 in support at the State level for operation of the database and other duties and \$60,000 at the local law enforcement level. With the bill's requirement that each of the registrants pay an annual, rather than a one-time, \$50 fee, the MSP will receive up to \$420,000 and local units up to \$280,000. The amount most likely will be less than this figure due to allowances for indigent offenders and overall enforcement success.

The above revenue projections also will be reduced to a certain degree due to the bill's provisions that no annual fee will be required for any individual initially required to register under SORA after January 1, 2019, and that the sum of an individual's registration fees may not exceed \$550, but to what extent the revenue will decrease cannot be determined at this time.

At the State level, it currently costs approximately \$1.2 million annually to operate the registry, with \$600,000 alone needed to maintain the database, clearly demonstrating that little of the operation is covered by current registration fees. Funding for the program consists of fee revenue, grants, and General Fund support. Under the bill, approximately 60% of the State's cost will be covered by restricted revenue from the fees and local law enforcement agencies will receive considerably more funding to support their enforcement duties under the Act.

It is not known at this time whether the MSP will use the additional funds made available under the bill to supplant existing GF/GP support for the program, initiate improvements in the operation of the Act's provisions, or do some combination of the two.

Fiscal Analyst: Bruce Baker

S1314\S221es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.