

SUBSTITUTE FOR
SENATE BILL NO. 221

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 5a (MCL 28.725a), as amended by 2011 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) ~~Not later than July 1, 2011, the~~ **THE** department
2 shall mail a notice to each individual registered under this act
3 who is not in a state correctional facility explaining the
4 individual's duties under this act as amended.
5 (2) Upon the release of an individual registered under this
6 act who is in a state correctional facility, the department of
7 corrections shall provide written notice to that individual
8 explaining his or her duties under this section and this act as
9 amended and the procedure for registration, notification, and
10 verification and payment of the registration fee prescribed under

1 subsection (6) or section 7(1). The individual shall sign and
2 date the notice. The department of corrections shall maintain a
3 copy of the signed and dated notice in the individual's file. The
4 department of corrections shall forward the original notice to
5 the department immediately, regardless of whether the individual
6 signs it.

7 (3) ~~An~~ **SUBJECT TO SUBSECTION (4), AN** individual required to
8 be registered under this act who is not incarcerated shall report
9 in person to the registering authority where he or she is
10 domiciled or resides for verification of domicile or residence as
11 follows:

12 ~~—— (a) A tier I offender shall report not earlier than January~~
13 ~~1 or later than January 15 of each year after the initial~~
14 ~~verification or registration.~~

15 ~~—— (b) A tier II offender shall report not earlier than the~~
16 ~~first day or later than the fifteenth day of each January and~~
17 ~~July after the initial verification or registration.~~

18 ~~—— (c) A tier III offender shall report not earlier than the~~
19 ~~first day or later than the fifteenth day of each April, July,~~
20 ~~October, and January after the initial verification or~~
21 ~~registration.~~

22 (A) IF THE INDIVIDUAL IS A TIER I OFFENDER, THE INDIVIDUAL
23 SHALL REPORT ONCE EACH YEAR DURING THE INDIVIDUAL'S MONTH OF
24 BIRTH.

25 (B) IF THE INDIVIDUAL IS A TIER II OFFENDER, THE INDIVIDUAL
26 SHALL REPORT TWICE EACH YEAR ACCORDING TO THE FOLLOWING SCHEDULE:

<u>BIRTH MONTH</u>	<u>REPORTING MONTHS</u>
JANUARY	JANUARY AND JULY
FEBRUARY	FEBRUARY AND AUGUST
MARCH	MARCH AND SEPTEMBER
APRIL	APRIL AND OCTOBER
MAY	MAY AND NOVEMBER
JUNE	JUNE AND DECEMBER
JULY	JANUARY AND JULY
AUGUST	FEBRUARY AND AUGUST
SEPTEMBER	MARCH AND SEPTEMBER
OCTOBER	APRIL AND OCTOBER
NOVEMBER	MAY AND NOVEMBER
DECEMBER	JUNE AND DECEMBER

14 (B) IF THE INDIVIDUAL IS A TIER III OFFENDER, THE INDIVIDUAL
 15 SHALL REPORT 4 TIMES EACH YEAR ACCORDING TO THE FOLLOWING
 16 SCHEDULE:

<u>BIRTH MONTH</u>	<u>REPORTING MONTHS</u>
JANUARY	JANUARY, APRIL, JULY, AND OCTOBER
FEBRUARY	FEBRUARY, MAY, AUGUST, AND NOVEMBER
MARCH	MARCH, JUNE, SEPTEMBER, AND DECEMBER
APRIL	APRIL, JULY, OCTOBER, AND JANUARY
MAY	MAY, AUGUST, NOVEMBER, AND FEBRUARY
JUNE	JUNE, SEPTEMBER, DECEMBER, AND MARCH
JULY	JULY, OCTOBER, JANUARY, AND APRIL
AUGUST	AUGUST, NOVEMBER, FEBRUARY, AND MAY
SEPTEMBER	SEPTEMBER, DECEMBER, MARCH, AND JUNE
OCTOBER	OCTOBER, JANUARY, APRIL, AND JULY

1 NOVEMBER NOVEMBER, FEBRUARY, MAY, AND AUGUST
2 DECEMBER DECEMBER, MARCH, JUNE, AND SEPTEMBER

3 (4) A REPORT UNDER SUBSECTION (3) SHALL BE MADE NO EARLIER
4 THAN THE FIRST DAY OR LATER THAN THE LAST DAY OF THE MONTH IN
5 WHICH THE INDIVIDUAL IS REQUIRED TO REPORT. HOWEVER, IF THE
6 REGISTRATION PERIOD FOR THAT INDIVIDUAL EXPIRES DURING THE MONTH
7 IN WHICH HE OR SHE IS REQUIRED TO REPORT UNDER THIS SECTION, THE
8 INDIVIDUAL SHALL REPORT DURING THAT MONTH ON OR BEFORE THE DATE
9 HIS OR HER REGISTRATION PERIOD EXPIRES. When an individual
10 reports under subsection (3), the individual shall review all
11 registration information for accuracy.

12 (5) When an individual reports under subsection (3), an
13 officer or authorized employee of the registering authority shall
14 verify the individual's residence or domicile and any information
15 required to be reported under section 4a. The officer or
16 authorized employee shall also determine whether the individual's
17 photograph required under this act matches the appearance of the
18 individual sufficiently to properly identify him or her from that
19 photograph. If not, the officer or authorized employee shall
20 require the individual to immediately obtain a current photograph
21 under this section. When all of the verification information has
22 been provided, the officer or authorized employee shall review
23 that information with the individual and make any corrections,
24 additions, or deletions the officer or authorized employee
25 determines are necessary based on the review. The officer or
26 authorized employee shall sign and date a verification receipt.

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1 The officer or authorized employee shall give a copy of the
 2 signed receipt showing the date of verification to the
 3 individual. The officer or authorized employee shall forward
 4 verification information to the department in the manner the
 5 department prescribes. The department shall revise the law
 6 enforcement database and public internet website maintained under
 7 section 8 as necessary and shall indicate verification in the
 8 public internet website maintained under section 8(2).

9 (6) Except as otherwise provided in section 5b, ~~beginning~~
 10 ~~October 16, 2004,~~ an individual who reports as prescribed under
 11 subsection (3) ~~and who has not already paid the fee prescribed~~
 12 ~~under section 7(1)~~ shall pay a \$50.00 registration fee. ~~An~~
 13 ~~individual shall only be required to pay a fee once under this~~
 14 ~~subsection.~~ **AS FOLLOWS:**

15 (A) UPON INITIAL REGISTRATION.

16 (B) ANNUALLY FOLLOWING THE YEAR OF INITIAL REGISTRATION. THE
 17 PAYMENT OF THE REGISTRATION FEE UNDER THIS SUBDIVISION SHALL BE
 18 MADE AT THE TIME THE INDIVIDUAL REPORTS IN THE FIRST REPORTING
 19 MONTH FOR THAT INDIVIDUAL AS SET FORTH IN SUBSECTION (3) OF EACH
 20 YEAR IN WHICH THE FEE APPLIES [, UNLESS AN INDIVIDUAL ELECTS TO PREPAY
 AN ANNUAL REGISTRATION FEE FOR ANY FUTURE YEAR FOR WHICH AN ANNUAL
 REGISTRATION FEE IS REQUIRED. PREPAYING ANY ANNUAL REGISTRATION FEE SHALL
 NOT CHANGE OR ALTER THE REQUIREMENT OF AN INDIVIDUAL TO REPORT AS SET
 FORTH IN SUBSECTION (3)]. THE PAYMENT OF THE REGISTRATION
 21 FEE UNDER THIS SUBDIVISION IS NOT REQUIRED TO BE MADE FOR ANY
 22 REGISTRATION YEAR THAT HAS EXPIRED BEFORE JANUARY 1, 2014 [OR TO BE
 MADE BY ANY INDIVIDUAL INITIALLY REQUIRED TO REGISTER UNDER THIS ACT
 AFTER JANUARY 1, 2019]. THE
 23 REGISTRATION FEE REQUIRED TO BE PAID UNDER THIS SUBDIVISION SHALL
 24 NOT BE PRORATED ON GROUNDS THAT THE INDIVIDUAL WILL COMPLETE HIS
 25 OR HER REGISTRATION PERIOD AFTER THE MONTH IN WHICH THE FEE IS
 26 DUE.

[(C) THE SUM OF THE AMOUNTS REQUIRED TO BE PAID UNDER SUBDIVISIONS
 (A) AND (B) SHALL NOT EXCEED \$550.00.]

27 (7) An individual required to be registered under this act

1 shall maintain either a valid operator's or chauffeur's license
2 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
3 257.923, or an official state personal identification card issued
4 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
5 current address. The license or card may be used as proof of
6 domicile or residence under this section. In addition, the
7 officer or authorized employee may require the individual to
8 produce another document bearing his or her name and address,
9 including, but not limited to, voter registration or a utility or
10 other bill. The department may specify other satisfactory proof
11 of domicile or residence.

12 (8) An individual registered under this act who is
13 incarcerated shall report to the secretary of state under this
14 subsection immediately after he or she is released to have his or
15 her digitalized photograph taken. The individual is not required
16 to report under this subsection if he or she had a digitized
17 photograph taken for an operator's or chauffeur's license or
18 official state personal identification card before January 1,
19 2000, or within 2 years before he or she is released unless his
20 or her appearance has changed from the date of that photograph.
21 Unless the person is a nonresident, the photograph shall be used
22 on the individual's operator's or chauffeur's license or official
23 state personal identification card. The individual shall have a
24 new photograph taken when he or she renews the license or
25 identification card as provided by law, or as otherwise provided
26 in this act. The secretary of state shall make the digitized
27 photograph available to the department for a registration under

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1 this act.

2 (9) If an individual does not report under this section or
3 under section 4a, the department shall notify all registering
4 authorities as provided in section 8a and initiate enforcement
5 action as set forth in that section.

6 (10) The department shall prescribe the form for the notices
7 and verification procedures required under this section.

8 ~~——(11) Subsection (1) applies beginning on the effective date~~
9 ~~of the amendatory act that added this subsection. Subsections (2)~~
10 ~~through (10) apply beginning July 1, 2011.~~

11 Enacting section 1. This amendatory act takes effect [April]
12 1, 2014.