

# SENATE BILL No. 221

February 26, 2013, Introduced by Senators JONES, GREEN, NOFS, MARLEAU and HOPGOOD and referred to the Committee on Judiciary.

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

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

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

12 (a) A tier I offender shall report not earlier than January 1  
13 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 first  
16 day or later than the fifteenth day of each January and July after  
17 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 (4) When an individual reports under subsection (3), the  
23 individual shall review all registration information for accuracy.

24 (5) When an individual reports under subsection (3), an  
25 officer or authorized employee of the registering authority shall  
26 verify the individual's residence or domicile and any information  
27 required to be reported under section 4a. The officer or authorized

1 employee shall also determine whether the individual's photograph  
2 required under this act matches the appearance of the individual  
3 sufficiently to properly identify him or her from that photograph.  
4 If not, the officer or authorized employee shall require the  
5 individual to immediately obtain a current photograph under this  
6 section. When all of the verification information has been  
7 provided, the officer or authorized employee shall review that  
8 information with the individual and make any corrections,  
9 additions, or deletions the officer or authorized employee  
10 determines are necessary based on the review. The officer or  
11 authorized employee shall sign and date a verification receipt. The  
12 officer or authorized employee shall give a copy of the signed  
13 receipt showing the date of verification to the individual. The  
14 officer or authorized employee shall forward verification  
15 information to the department in the manner the department  
16 prescribes. The department shall revise the law enforcement  
17 database and public internet website maintained under section 8 as  
18 necessary and shall indicate verification in the public internet  
19 website maintained under section 8(2).

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

26 (A) UPON INITIAL REGISTRATION.

27 (B) ANNUALLY FOLLOWING THE YEAR OF INITIAL REGISTRATION. THE

1 PAYMENT OF THE REGISTRATION FEE UNDER THIS SUBDIVISION SHALL BE  
2 MADE NOT EARLIER THAN JANUARY 1 OR LATER THAN JANUARY 15 OF EACH  
3 YEAR IN WHICH THE FEE APPLIES. THE PAYMENT OF THE REGISTRATION FEE  
4 UNDER THIS SUBDIVISION IS NOT REQUIRED TO BE MADE FOR ANY  
5 REGISTRATION YEAR THAT HAS EXPIRED BEFORE THE EFFECTIVE DATE OF THE  
6 AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

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

19 (8) An individual registered under this act who is  
20 incarcerated shall report to the secretary of state under this  
21 subsection immediately after he or she is released to have his or  
22 her digitalized photograph taken. The individual is not required to  
23 report under this subsection if he or she had a digitized  
24 photograph taken for an operator's or chauffeur's license or  
25 official state personal identification card before January 1, 2000,  
26 or within 2 years before he or she is released unless his or her  
27 appearance has changed from the date of that photograph. Unless the

1 person is a nonresident, the photograph shall be used on the  
2 individual's operator's or chauffeur's license or official state  
3 personal identification card. The individual shall have a new  
4 photograph taken when he or she renews the license or  
5 identification card as provided by law, or as otherwise provided in  
6 this act. The secretary of state shall make the digitized  
7 photograph available to the department for a registration under  
8 this act.

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

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

15 (11) Subsection (1) applies beginning on the effective date of  
16 the amendatory act that added this subsection. Subsections (2)  
17 through (10) apply beginning July 1, 2011.