

# HOUSE BILL No. 4974

October 13, 2015, Introduced by Reps. Derek Miller, Lane, Singh, Plawecki, LaVoy, Darany, Brinks, Smiley, Liberati, Yanez, Geiss, Gay-Dagnogo, Rutledge, Sarah Roberts, Wittenberg, Chirkun and Dianda and referred to the Committee on Judiciary.

A bill to require persons convicted of child abuse offenses to register with the child abuse offenders registry; to prescribe the powers and duties of certain departments and agencies in connection with that registration; to prescribe fees and penalties; and to authorize certain causes of action.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "child abuse offenders registration act".

3           Sec. 2. As used in this act:

4           (a) "Child abuse offense" means any violation of section  
5 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b (child  
6 abuse), or a substantially similar offense under a law of the  
7 United States, any state, or any country or under tribal or  
8 military law, that is committed by an adult or by a minor who is

1 tried in the same manner as an adult under section 2d of chapter  
2 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

3 (b) "Convicted" means any of the following:

4 (i) Having a judgment of conviction or a probation order  
5 entered in any court having jurisdiction over criminal offenses,  
6 including, but not limited to, a tribal court or a military  
7 court, other than a conviction subsequently set aside under 1965  
8 PA 213, MCL 780.621 to 780.624.

9 (ii) Either of the following:

10 (A) Being assigned to youthful trainee status under sections  
11 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
12 175, MCL 762.11 to 762.15.

13 (B) Being assigned to youthful trainee status under sections  
14 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
15 175, MCL 762.11 to 762.15, if the individual's status of youthful  
16 trainee is revoked and an adjudication of guilt is entered.

17 (iii) Having an order of disposition entered under section 18  
18 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
19 712A.18, that is open to the general public under section 28 of  
20 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
21 712A.28.

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

23 (d) "Institution of higher education" means 1 or more of the  
24 following:

25 (i) A public or private community college, college, or  
26 university.

27 (ii) A public or private trade, vocational, or occupational

1 school.

2 (e) "Local law enforcement agency" means the police  
3 department of a municipality.

4 (f) "Minor" means a person who is less than 18 years of age.

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

7 (h) "Registering authority" means the local law enforcement  
8 agency or sheriff's office having jurisdiction over the person's  
9 residence, place of employment, or institution of higher  
10 learning, or the nearest department post designated to receive or  
11 enter child abuse offender registration information within a  
12 registration jurisdiction.

13 (i) "Registration jurisdiction" means each of the 50 states,  
14 the District of Columbia, the Commonwealth of Puerto Rico, Guam,  
15 the Northern Mariana Islands, the United States Virgin Islands,  
16 American Samoa, and the Indian tribes within the United States  
17 that elect to function as a registration jurisdiction.

18 (j) "Residence", as used in this act, for registration and  
19 voting purposes means that place at which a person habitually  
20 sleeps, keeps his or her personal effects, and has a regular  
21 place of lodging. If a person has more than 1 residence, or if a  
22 wife has a residence separate from that of the husband, that  
23 place at which the person resides the greater part of the time  
24 shall be his or her official residence for the purposes of this  
25 act. If a person is homeless or otherwise lacks a fixed or  
26 temporary residence, residence means the village, city, or  
27 township where the person spends a majority of his or her time.

1 This section shall not be construed to affect existing judicial  
2 interpretation of the term residence.

3 (k) "Student" means a person enrolled on a full- or part-  
4 time basis in a public or private educational institution,  
5 including, but not limited to, a secondary school, trade school,  
6 professional institution, or institution of higher education.

7 Sec. 3. (1) Subject to subsection (2), the following persons  
8 who are domiciled or temporarily reside in this state or who work  
9 with or without compensation or are students in this state, or  
10 who are domiciled, reside, or work with or without compensation  
11 or are students in this state for 30 or more total days in a  
12 calendar year are required to be registered under the child abuse  
13 offenders registry act:

14 (a) A person who is convicted of a child abuse offense after  
15 January 1, 2016.

16 (b) A person convicted of a child abuse offense on or before  
17 January 1, 2016 if on January 1, 2016 he or she is on probation  
18 or parole, committed to jail, committed to the jurisdiction of  
19 the department of corrections, or is placed on probation or  
20 parole, committed to jail, or committed to the jurisdiction of  
21 the department of corrections after January 1, 2016 for that  
22 offense.

23 (c) A person convicted of a child abuse offense on or before  
24 January 1, 2016 if on January 1, 2016 he or she is on probation  
25 or parole that has been transferred to this state for that  
26 offense or his or her probation or parole is transferred to this  
27 state after January 1, 2016 for that offense.

1 (d) A person from another state who is required to register  
2 or otherwise be identified as a child abuse offender under a  
3 comparable statute of that state.

4 (2) A person who is a nonresident and who is convicted in  
5 this state on or after January 1, 2016 of committing a child  
6 abuse offense who is not otherwise described in subsection (1)  
7 shall nevertheless register under the child abuse offenders  
8 registry act. However, the continued reporting requirements of  
9 that act do not apply to the person while he or she remains a  
10 nonresident and is not otherwise required to report under that  
11 act. The person shall have his or her photograph taken under  
12 section 7.

13 Sec. 4. (1) Registration of a person under the child abuse  
14 offenders registry act shall proceed as provided in this section.

15 (2) For a person convicted of a child abuse offense on or  
16 before January 1, 2016 who on or before January 1, 2016 is  
17 sentenced for that offense, the following shall register the  
18 person by December 31, 2016:

19 (a) If the person is on probation for the child abuse  
20 offense, the person's probation officer.

21 (b) If the person is committed to jail for the child abuse  
22 offense, the sheriff or his or her designee.

23 (c) If the person is under the jurisdiction of the  
24 department of corrections for the child abuse offense, the  
25 department of corrections.

26 (d) If the person is on parole for the child abuse offense,  
27 the person's parole officer.

1           (3) If a person is convicted of a child abuse offense on or  
2 before January 1, 2016 and the person's probation or parole is  
3 transferred to this state after January 1, 2016, the probation or  
4 parole agent shall register the person immediately after the  
5 transfer.

6           (4) All of the following shall register with the local law  
7 enforcement agency, sheriff's department, or the department  
8 immediately after becoming domiciled or temporarily residing,  
9 working, or being a student in this state:

10           (a) Subject to section 3, a person convicted of a child  
11 abuse offense in another state or country after January 1, 2016.

12           (b) A person required to be registered as a child abuse  
13 offender in another state or country regardless of when the  
14 conviction was entered.

15           (5) If a prosecution is pending on January 1, 2016, whether  
16 the defendant in a criminal case is required to register under  
17 this act shall be determined on the basis of the law in effect on  
18 January 1, 2016.

19           Sec. 5. (1) A person required to be registered under this  
20 act and who is not a resident of this state shall report his or  
21 her status in person to the registering authority having  
22 jurisdiction over a campus of an institution of higher education  
23 if either of the following occurs:

24           (a) A person is or enrolls as a student with that  
25 institution of higher education or the person discontinues that  
26 enrollment.

27           (b) As part of his or her course of studies at an

1 institution of higher education in this state, the person is  
2 present at any other location in this state, another state, a  
3 territory or possession of the United States, or the person  
4 discontinues his or her studies at that location.

5 (2) A person required to be registered under this act who is  
6 a resident of this state shall report his or her status in person  
7 to the registering authority having jurisdiction where his or her  
8 new residence or domicile is located if any of the events  
9 described under subsection (1) occur.

10 (3) The report required under subsections (1) and (2) shall  
11 be made immediately after he or she enrolls or discontinues his  
12 or her enrollment as a student on that campus including study in  
13 this state or another state, a territory or possession of the  
14 United States, or another country.

15 (4) The additional registration reports required under this  
16 section shall be made in the time periods described in section 7  
17 for reports under that section.

18 (5) The local law enforcement agency, sheriff's department,  
19 or department post to which a person reports under this section  
20 shall require the person to pay the registration fee required  
21 under section 7 or section 11(1) and to present written  
22 documentation of employment status, contractual relationship,  
23 volunteer status, or student status. Written documentation under  
24 this subsection may include, but need not be limited to, any of  
25 the following:

26 (a) A W-2 form, pay stub, or written statement by an  
27 employer.

1 (b) A contract.

2 (c) A student identification card or student transcript.

3 (6) This section does not apply to a person whose enrollment  
4 and participation at an institution of higher education is solely  
5 through the mail or the Internet from a remote location.

6 Sec. 6. (1) A person required to be registered under this  
7 act and who is a resident of this state shall report in person  
8 and notify the registering authority having jurisdiction where  
9 his or her residence or domicile is located immediately after any  
10 of the following occur:

11 (a) The person changes or vacates his or her residence or  
12 domicile.

13 (b) The person changes his or her place of employment, or  
14 employment is discontinued.

15 (c) The person enrolls as a student with an institution of  
16 higher education, or enrollment is discontinued.

17 (d) The person changes his or her name.

18 (e) The person intends to temporarily reside at any place  
19 other than his or her residence for more than 7 days.

20 (f) The person establishes any electronic mail or instant  
21 message address, or any other designations used in Internet  
22 communications or postings.

23 (g) Any change required to be reported under section 5.

24 (2) A person required to be registered under this act who is  
25 not a resident of this state but has his or her place of  
26 employment in this state shall report in person and notify the  
27 registering authority having jurisdiction where his or her place



1 of employment is located or the department post of the person's  
2 place of employment immediately after the person changes his or  
3 her place of employment or employment is discontinued.

4 (3) If a person who is incarcerated in a state correctional  
5 facility and is required to be registered under this act is  
6 granted parole or is due to be released upon completion of his or  
7 her maximum sentence, the department of corrections, before  
8 releasing the person, shall provide notice of the location of the  
9 person's proposed place of residence or domicile to the  
10 department of state police.

11 (4) If a person who is incarcerated in a county jail and is  
12 required to be registered under this act is due to be released  
13 from custody, the sheriff's department, before releasing the  
14 person, shall provide notice of the location of the person's  
15 proposed place of residence or domicile to the department of  
16 state police.

17 (5) Immediately after either of the following occurs, the  
18 department of corrections shall notify the local law enforcement  
19 agency or sheriff's department having jurisdiction over the area  
20 to which the person is transferred or the department post of the  
21 transferred residence or domicile of a person required to be  
22 registered under this act:

23 (a) The person is transferred to a community residential  
24 program.

25 (b) The person is transferred into a level 1 correctional  
26 facility of any kind, including a correctional camp or work camp.

27 (6) A person required to be registered under this act who is

1 a resident of this state shall report in person and notify the  
2 registering authority having jurisdiction where his or her  
3 residence or domicile is located immediately before he or she  
4 changes his or her domicile or residence to another state. The  
5 person shall indicate the new state and, if known, the new  
6 address. The department shall update the registration and  
7 compilation databases and promptly notify the appropriate law  
8 enforcement agency and any applicable registration authority in  
9 the new state.

10 (7) A person required to be registered under this act who is  
11 a resident of this state shall report in person and notify the  
12 registering authority having jurisdiction where his or her  
13 residence or domicile is located not later than 21 days before he  
14 or she changes his or her domicile or residence to another  
15 country or travels to another country for more than 7 days. The  
16 person shall state the new country of residence or country of  
17 travel and the address of his or her new domicile or residence or  
18 place of stay, if known. The department shall update the  
19 registration and compilation databases and promptly notify the  
20 appropriate law enforcement agency and any applicable child abuse  
21 offender registration authority.

22 (8) If the probation or parole of a person required to be  
23 registered under this act is transferred to another state or a  
24 person required to be registered under this act is transferred  
25 from a state correctional facility to any correctional facility  
26 or probation or parole in another state, the department of  
27 corrections shall promptly notify the department and the

1 appropriate law enforcement agency and any applicable  
2 registration authority in the new state. The department shall  
3 update the registration and compilation databases.

4 (9) A person registered under this act shall comply with the  
5 verification procedures and proof of residence procedures  
6 prescribed in sections 5 and 7.

7 (10) A person required to register under this act shall  
8 comply with this section for 10 years, except that a person  
9 convicted of fourth-degree child abuse shall comply with this  
10 section for 5 years.

11 (11) The registration periods under this section exclude any  
12 period of incarceration for committing a crime and any period of  
13 civil commitment.

14 Sec. 7. (1) The department shall mail a notice to each  
15 person registered under this act who is not in a state  
16 correctional facility explaining the person's duties under that  
17 act as amended.

18 (2) Upon the release of a person registered under this act  
19 who is in a state correctional facility, the department of  
20 corrections shall provide written notice to that person  
21 explaining his or her duties under this section and that act as  
22 amended and the procedure for registration, notification, and  
23 verification and payment of the registration fee prescribed under  
24 subsection (6) or section 11(1). The person shall sign and date  
25 the notice. The department of corrections shall maintain a copy  
26 of the signed and dated notice in the person's file. The  
27 department of corrections shall forward the original notice to

1 the department immediately, regardless of whether the person  
2 signs it.

3 (3) Subject to subsection (4), a person required to be  
4 registered under this act who is not incarcerated shall report in  
5 person to the registering authority where the person is domiciled  
6 or resides for verification of domicile or residence as follows:

7 (a) If the person was convicted of a child abuse offense  
8 that is a misdemeanor, the person shall report once each year  
9 during the person's month of birth.

10 (b) If the person was convicted of a child abuse offense  
11 that is a felony, the person shall report 4 times each year  
12 according to the following schedule:

13 <u>Birth Month</u>	<u>Reporting Months</u>
14 January	January, April, July, and October
15 February	February, May, August, and November
16 March	March, June, September, and December
17 April	April, July, October, and January
18 May	May, August, November, and February
19 June	June, September, December, and March
20 July	July, October, January, and April
21 August	August, November, February, and May
22 September	September, December, March, and June
23 October	October, January, April, and July
24 November	November, February, May, and August
25 December	December, March, June, and September

26 (4) A report under subsection (3) shall be made no earlier  
27 than the first day or later than the last day of the month in

1 which the person is required to report. However, if the  
2 registration period for that person expires during the month in  
3 which he or she is required to report under this section, the  
4 person shall report during that month on or before the date his  
5 or her registration period expires. When a person reports under  
6 subsection (3), the person shall review all registration  
7 information for accuracy.

8 (5) When a person reports under subsection (3), an officer  
9 or authorized employee of the registering authority shall verify  
10 the person's residence or domicile and any information required  
11 to be reported under section 5. The officer or authorized  
12 employee shall also determine whether the person's photograph  
13 required under section 7 matches the appearance of the person  
14 sufficiently to properly identify him or her from that  
15 photograph. If not, the officer or authorized employee shall  
16 require the person to immediately obtain a current photograph  
17 under this section. When all of the verification information has  
18 been provided, the officer or authorized employee shall review  
19 that information with the person and make any corrections,  
20 additions, or deletions the officer or authorized employee  
21 determines are necessary based on the review. The officer or  
22 authorized employee shall sign and date a verification receipt.  
23 The officer or authorized employee shall give a copy of the  
24 signed receipt showing the date of verification to the person.  
25 The officer or authorized employee shall forward verification  
26 information to the department in the manner the department  
27 prescribes. The department shall revise the law enforcement

1 database and public Internet website maintained under this act as  
2 necessary and shall indicate verification in the public Internet  
3 website maintained under this act.

4 (6) Except as otherwise provided in section 8, a person who  
5 reports as prescribed under subsection (3) shall pay a \$50.00  
6 registration fee as follows:

7 (a) Upon initial registration.

8 (b) Annually following the year of initial registration. The  
9 payment of the registration fee under this subdivision shall be  
10 made at the time the person reports in the first reporting month  
11 for that person as set forth in subsection (3) of each year in  
12 which the fee applies, unless a person elects to prepay an annual  
13 registration fee for any future year for which an annual  
14 registration fee is required. Prepaying any annual registration  
15 fee shall not change or alter the requirement of a person to  
16 report as set forth in subsection (3). The registration fee  
17 required to be paid under this subdivision shall not be prorated  
18 on grounds that the person will complete his or her registration  
19 period after the month in which the fee is due.

20 (c) The sum of the amounts required to be paid under  
21 subdivisions (a) and (b) shall not exceed \$385.00.

22 (7) A person required to be registered under this act shall  
23 maintain either a valid operator's or chauffeur's license issued  
24 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
25 257.923, or an official state personal identification card issued  
26 under 1972 PA 222, MCL 28.291 to 28.300, with the person's  
27 current address. The license or card may be used as proof of

1 domicile or residence under this section. In addition, the  
2 officer or authorized employee may require the person to produce  
3 another document bearing his or her name and address, including,  
4 but not limited to, voter registration or a utility or other  
5 bill. The department may specify other satisfactory proof of  
6 domicile or residence.

7 (8) A person registered under this act who is incarcerated  
8 shall report to the secretary of state under this subsection  
9 immediately after he or she is released to have his or her  
10 digitalized photograph taken. The person is not required to  
11 report under this subsection if the person had a digitized  
12 photograph taken for an operator's or chauffeur's license or  
13 official state personal identification card before January 1,  
14 2016, or within 2 years before he or she is released unless his  
15 or her appearance has changed from the date of that photograph.  
16 Unless the person is a nonresident, the photograph shall be used  
17 on the person's operator's or chauffeur's license or official  
18 state personal identification card. The person shall have a new  
19 photograph taken when the person renews the license or  
20 identification card as provided by law, or as otherwise provided  
21 in this act. The secretary of state shall make the digitized  
22 photograph available to the department for a registration under  
23 this act.

24 (9) If a person does not report under this section or under  
25 section 5, the department shall notify all registering  
26 authorities as provided in the child abuse offenders registry act  
27 and initiate enforcement action as set forth in that section.

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

3 Sec. 8. (1) Of the money collected by a court, local law  
4 enforcement agency, sheriff's department, or department post from  
5 each registration fee prescribed under this act, \$35.00 shall be  
6 forwarded to the department, which shall deposit the money in the  
7 child abuse offenders registration fund created under subsection  
8 (2), and \$15.00 shall be retained by the court, local law  
9 enforcement agency, sheriff's department, or department post.

10 (2) The child abuse offenders registration fund is created  
11 as a separate fund in the department of treasury. The state  
12 treasurer shall credit the money received from the payment of the  
13 registration fee prescribed under this act to the child abuse  
14 offenders registration fund. Money credited to the fund shall  
15 only be used by the department for training concerning, and the  
16 maintenance and automation of, the law enforcement database,  
17 public Internet website, information required under the child  
18 abuse offenders registry act, or notification and offender  
19 registration duties under section 5. Money in the child abuse  
20 offenders registration fund at the close of the fiscal year shall  
21 remain in the fund and shall not lapse to the general fund.

22 (3) If a person required to pay a registration fee under  
23 this act is indigent, the registration fee shall be waived for a  
24 period of 90 days. The burden is on the person claiming indigence  
25 to prove the fact of indigence to the satisfaction of the local  
26 law enforcement agency, sheriff's department, or department post  
27 where the person is reporting.



1           (4) Payment of the registration fee prescribed under this  
2 act shall be made in the form and by means prescribed by the  
3 department. Upon payment of the registration fee prescribed under  
4 this act, the officer or employee shall forward verification of  
5 the payment to the department in the manner the department  
6 prescribes. The department shall revise the law enforcement  
7 database and public Internet website maintained under the child  
8 abuse offenders registry act as necessary and shall indicate  
9 verification of payment in the compilation under that act.

10           Sec. 9. The department of corrections shall not collect any  
11 fee prescribed under this act.

12           Sec. 10. (1) The officer, court, or agency registering a  
13 person or receiving or accepting a registration under section 4  
14 or receiving notice under section 6 shall provide the person with  
15 a copy of the registration or notification at the time of  
16 registration or notice.

17           (2) The officer, court, or agency registering a person or  
18 receiving or accepting a registration under section 4 or notified  
19 of an address change under section 6(1) shall forward the  
20 registration or notification to the department in a manner  
21 described by the department immediately after registration or  
22 notification.

23           Sec. 11. (1) Registration information obtained under this  
24 act shall be forwarded to the department in the format the  
25 department prescribes. Except as provided in section 8(3), a  
26 \$50.00 registration fee shall accompany each original  
27 registration. All of the following information shall be obtained

1 or otherwise provided for registration purposes:

2 (a) The person's legal name and any aliases, nicknames,  
3 ethnic or tribal names, or other names by which the person is or  
4 has been known. A person who is in a witness protection and  
5 relocation program is only required to use the name and  
6 identifying information reflecting his or her new identity in a  
7 registration under this act. The registration and compilation  
8 databases created and maintained under the child abuse offenders  
9 registry act shall not contain any information identifying the  
10 person's prior identity or locale.

11 (b) The person's social security number and any social  
12 security numbers or alleged social security numbers previously  
13 used by the person.

14 (c) The person's date of birth and any alleged dates of  
15 birth previously used by the person.

16 (d) The address where the person resides or will reside. If  
17 the person does not have a residential address, information under  
18 this subsection shall identify the location or area used or to be  
19 used by the person in lieu of a residence or, if the person is  
20 homeless, the village, city, or township where the person spends  
21 or will spend the majority of his or her time.

22 (e) The name and address of any place of temporary lodging  
23 used or to be used by the person during any period in which the  
24 person is away, or is expected to be away, from his or her  
25 residence for more than 7 days. Information under this  
26 subdivision shall include the dates the lodging is used or to be  
27 used.

1 (f) The name and address of each of the person's employers.  
2 For purposes of this subdivision, "employer" includes a  
3 contractor and any person who has agreed to hire or contract with  
4 the person for his or her services. Information under this  
5 subdivision shall include the address or location of employment  
6 if different from the address of the employer. If the person  
7 lacks a fixed employment location, the information obtained under  
8 this subdivision shall include the general areas where the person  
9 works.

10 (g) The name and address of any school being attended by the  
11 person and any school that has accepted the person as a student  
12 that he or she plans to attend. For purposes of this subdivision,  
13 "school" means a public or private postsecondary school or school  
14 of higher education, including a trade school.

15 (h) All telephone numbers registered to the person or  
16 routinely used by the person.

17 (i) The person's driver license number or state personal  
18 identification card number.

19 (j) A digital copy of the person's passport and other  
20 immigration documents.

21 (k) The person's occupational and professional licensing  
22 information, including any license that authorizes the person to  
23 engage in any occupation, profession, trade, or business.

24 (l) A brief summary of the person's convictions for child  
25 abuse offenses regardless of when the conviction occurred,  
26 including where the offense occurred and the original charge if  
27 the conviction was for a lesser offense.

- 1 (m) A complete physical description of the person.
- 2 (n) The photograph required under section 7.
- 3 (o) The person's fingerprints if not already on file with  
4 the department and the person's palm prints. A person required to  
5 be registered under this act shall have his or her fingerprints  
6 or palm prints or both taken not later than September 1, 2016 if  
7 his or her fingerprints or palm prints are not already on file  
8 with the department. The department shall forward a copy of the  
9 person's fingerprints and palm prints to the Federal Bureau of  
10 Investigation if not already on file with that bureau.
- 11 (p) Information that is required to be reported under  
12 section 5.
- 13 (2) A registration shall contain all of the following:
- 14 (a) An electronic copy of the person's Michigan driver  
15 license or Michigan personal identification card, including the  
16 photograph required under this act.
- 17 (b) The text of the provision of law that defines the child  
18 abuse offense for which the person is registered.
- 19 (c) Any outstanding arrest warrant information.
- 20 (d) An identifier that indicates whether a DNA sample has  
21 been collected and any resulting DNA profile has been entered  
22 into the federal Combined DNA Index System (CODIS).
- 23 (e) The person's complete criminal history record, including  
24 the dates of all arrests and convictions.
- 25 (f) The person's Michigan department of corrections number  
26 and status of parole, probation, or supervised release.
- 27 (g) The person's Federal Bureau of Investigation number.

1           (3) The form used for notification of duties under this act  
2 shall contain a written statement that explains the duty of the  
3 person being registered to provide notice of changes in his or  
4 her registration information, the procedures for providing that  
5 notice, and the verification procedures under section 7.

6           (4) The person shall sign a registration and notice.  
7 However, the registration and notice shall be forwarded to the  
8 department regardless of whether the person signs it or pays the  
9 registration fee required under subsection (1).

10           (5) The officer, court, or an employee of the agency  
11 registering the person or receiving or accepting a registration  
12 under section 4 shall sign the registration form.

13           (6) A person shall not knowingly provide false or misleading  
14 information concerning a registration, notice, or verification.

15           (7) The department shall prescribe the form for a  
16 notification required under section 6 and the format for  
17 forwarding the notification to the department.

18           (8) The department shall promptly provide registration,  
19 notice, and verification information to the Federal Bureau of  
20 Investigation and to local law enforcement agencies, sheriff's  
21 departments, department posts, and other registering  
22 jurisdictions, as provided by law.

23           Sec. 12. (1) Except as provided in subsections (2), (3), and  
24 (4), a person required to be registered under this act who  
25 willfully violates this act is guilty of a felony punishable as  
26 follows:

27           (a) If the person has no prior convictions for a violation

1 of this act, by imprisonment for not more than 4 years or a fine  
2 of not more than \$2,000.00, or both.

3 (b) If the person has 1 prior conviction for a violation of  
4 this act, by imprisonment for not more than 7 years or a fine of  
5 not more than \$5,000.00, or both.

6 (c) If the person has 2 or more prior convictions for  
7 violations of this act, by imprisonment for not more than 10  
8 years or a fine of not more than \$10,000.00, or both.

9 (2) A person who fails to comply with section 7, other than  
10 payment of the fee required under section 7(6), is guilty of a  
11 misdemeanor punishable by imprisonment for not more than 2 years  
12 or a fine of not more than \$2,000.00, or both.

13 (3) A person who willfully fails to sign a registration and  
14 notice as provided in section 11(4) is guilty of a misdemeanor  
15 punishable by imprisonment for not more than 93 days or a fine of  
16 not more than \$1,000.00, or both.

17 (4) A person who willfully refuses or fails to pay the  
18 registration fee prescribed in section 7(6) or section 11(1)  
19 within 90 days of the date the person reports under section 5 or  
20 7 is guilty of a misdemeanor punishable by imprisonment for not  
21 more than 90 days.

22 (5) The court shall revoke the probation of a person placed  
23 on probation who willfully violates this act.

24 (6) The parole board shall rescind the parole of a person  
25 released on parole who willfully violates this act.

26 (7) A person's failure to register as required by this act  
27 or a violation of section 6 may be prosecuted in the judicial

1 district of any of the following:

2 (a) The person's last registered address or residence.

3 (b) The person's actual address or residence.

4 (c) Where the person was arrested for the violation.

5 Sec. 13. (1) Except as provided in this act, a registration  
6 or report is confidential and information from that registration  
7 or report shall not be open to inspection except for law  
8 enforcement purposes. The registration or report and all included  
9 materials and information are exempt from disclosure under  
10 section 13 of the freedom of information act, 1976 PA 442, MCL  
11 15.243.

12 (2) Except as provided in this act, a person other than the  
13 registrant who knows of a registration or report under this act  
14 and who divulges, uses, or publishes nonpublic information  
15 concerning the registration or report in violation of this act is  
16 guilty of a misdemeanor punishable by imprisonment for not more  
17 than 93 days or a fine of not more than \$1,000.00, or both.

18 (3) A person whose registration or report is revealed in  
19 violation of this act has a civil cause of action against the  
20 responsible party for treble damages.

21 Enacting section 1. This act takes effect 90 days after the  
22 date it is enacted into law.

23 Enacting section 2. This act does not take effect unless  
24 Senate Bill No. \_\_\_\_ or House Bill No. 4973 (request no. 01200'15)  
25 of the 98th Legislature is enacted into law.