

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5679**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3a, 4, 4a, 5, 5a, 7, 8, and 9 (MCL 28.722, 28.723a, 28.724, 28.724a, 28.725, 28.725a, 28.727, 28.728, and 28.729), section 2 as amended by 2014 PA 328, section 3a as added by 2011 PA 17, sections 4, 4a, and 5 as amended by 2011 PA 17, section 5a as amended by 2019 PA 82, sections 7 and 9 as amended by 2011 PA 18, section 8 as amended by 2013 PA 2; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 ~~(a) "Aircraft" means that term as defined in section 2 of the~~
- 3 ~~aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.~~

1 (a) ~~(b)~~ "Convicted" means 1 of the following:

2 (i) Having a judgment of conviction or a probation order
3 entered in any court having jurisdiction over criminal offenses,
4 including, but not limited to, a tribal court or a military court.
5 ~~, and including a conviction~~ **Convicted does not include a**
6 **conviction that was** subsequently set aside under 1965 PA 213, MCL
7 780.621 to 780.624, **or otherwise expunged.**

8 ~~(ii) Either of the following:~~

9 (ii) ~~(A) Being~~ **Except as otherwise provided in this**
10 **subparagraph, being** assigned to youthful trainee status under
11 sections 11 to 15 of chapter II of the code of criminal procedure,
12 1927 PA 175, MCL 762.11 to 762.15, before October 1, 2004. **An**
13 **individual who is assigned to and successfully completes a term of**
14 **supervision under sections 11 to 15 of chapter II of the code of**
15 **criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, is not**
16 **convicted for purposes of this act.** This ~~sub-subparagraph~~
17 **subparagraph** does not apply if a petition was granted under section
18 8c at any time allowing the individual to discontinue registration
19 under this act, including a reduced registration period that
20 extends to or past July 1, 2011, regardless of the tier designation
21 that would apply on and after that date.

22 ~~(B) Being assigned to youthful trainee status under sections~~
23 ~~11 to 15 of chapter II of the code of criminal procedure, 1927 PA~~
24 ~~175, MCL 762.11 to 762.15, before October 1, 2004 if the individual~~
25 ~~is convicted of any other felony on or after July 1, 2011.~~

26 (iii) Having an order of disposition entered under section 18 of
27 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
28 that is open to the general public under section 28 of chapter XIIA
29 of the probate code of 1939, 1939 PA 288, MCL 712A.28, if both of

1 the following apply:

2 (A) The individual was 14 years of age or older at the time of
3 the offense.

4 (B) The order of disposition is for the commission of an
5 offense that would classify the individual as a tier III offender.

6 (iv) Having an order of disposition or other adjudication in a
7 juvenile matter in another state or country if both of the
8 following apply:

9 (A) The individual is 14 years of age or older at the time of
10 the offense.

11 (B) The order of disposition or other adjudication is for the
12 commission of an offense that would classify the individual as a
13 tier III offender.

14 (b) ~~(e)~~—"Custodial authority" means 1 or more of the following
15 apply:

16 (i) The actor was a member of the same household as the victim.

17 (ii) The actor was related to the victim by blood or affinity
18 to the fourth degree.

19 (iii) The actor was in a position of authority over the victim
20 and used this authority to coerce the victim to submit.

21 (iv) The actor was a teacher, substitute teacher, or
22 administrator of the public school, nonpublic school, school
23 district, or intermediate school district in which that other
24 person was enrolled.

25 (v) The actor was an employee or a contractual service
26 provider of the public school, nonpublic school, school district,
27 or intermediate school district in which that other person was
28 enrolled, or was a volunteer who was not a student in any public
29 school or nonpublic school, or was an employee of this state or of

1 a local unit of government of this state or of the United States
2 assigned to provide any service to that public school, nonpublic
3 school, school district, or intermediate school district, and the
4 actor used his or her employee, contractual, or volunteer status to
5 gain access to, or to establish a relationship with, that other
6 person.

7 (vi) That other person was under the jurisdiction of the
8 department of corrections and the actor was an employee or a
9 contractual employee of, or a volunteer with, the department of
10 corrections who knew that the other person was under the
11 jurisdiction of the department of corrections and used his or her
12 position of authority over the victim to gain access to or to
13 coerce or otherwise encourage the victim to engage in sexual
14 contact.

15 (vii) That other person was under the jurisdiction of the
16 department of corrections and the actor was an employee or a
17 contractual employee of, or a volunteer with, a private vendor that
18 operated a youth correctional facility under section 20g of the
19 corrections code of 1953, 1953 PA 232, MCL 791.220g, who knew that
20 the other person was under the jurisdiction of the department of
21 corrections.

22 (viii) That other person was a prisoner or probationer under the
23 jurisdiction of a county for purposes of imprisonment or a work
24 program or other probationary program and the actor was an employee
25 or a contractual employee of, or a volunteer with, the county or
26 the department of corrections who knew that the other person was
27 under the county's jurisdiction and used his or her position of
28 authority over the victim to gain access to or to coerce or
29 otherwise encourage the victim to engage in sexual contact.

1 (ix) The actor knew or had reason to know that a court had
2 detained the victim in a facility while the victim was awaiting a
3 trial or hearing, or committed the victim to a facility as a result
4 of the victim having been found responsible for committing an act
5 that would be a crime if committed by an adult, and the actor was
6 an employee or contractual employee of, or a volunteer with, the
7 facility in which the victim was detained or to which the victim
8 was committed.

9 (c) ~~(d)~~—"Department" means the department of state police.

10 (d) ~~(e)~~—"Employee" means an individual who is self-employed or
11 works for any other entity as a full-time or part-time employee,
12 contractual provider, or volunteer, regardless of whether he or she
13 is financially compensated.

14 (e) ~~(f)~~—"Felony" means that term as defined in section 1 of
15 chapter I of the code of criminal procedure, 1927 PA 174, MCL
16 761.1.

17 ~~(g) "Immediately" means within 3 business days.~~

18 (f) ~~(h)~~—"Indigent" means an individual to whom 1 or more of
19 the following apply:

20 (i) He or she has been found by a court to be indigent within
21 the last 6 months.

22 (ii) He or she qualifies for and receives assistance from the
23 department of **health and** human services food assistance program.

24 (iii) He or she demonstrates an annual income below the current
25 federal poverty guidelines.

26 (g) **"Internet identifier" means all designations used for**
27 **self-identification or routing in internet communications or**
28 **posting.**

29 (h) ~~(i)~~—"Institution of higher education" means 1 or more of

1 the following:

2 (i) A public or private community college, college, or
3 university.

4 (ii) A public or private trade, vocational, or occupational
5 school.

6 (i) ~~(j)~~—"Listed offense" means a tier I, tier II, or tier III
7 offense.

8 (j) ~~(k)~~—"Local law enforcement agency" means the police
9 department of a municipality.

10 (k) ~~(l)~~—"Minor" means a victim of a listed offense who was less
11 than 18 years of age at the time the offense was committed.

12 (l) ~~(m)~~—"Municipality" means a city, village, or township of
13 this state.

14 (m) ~~(n)~~—"Registering authority" means the local law
15 enforcement agency or sheriff's office having jurisdiction over the
16 individual's residence, place of employment, or institution of
17 higher learning, or the nearest department post designated to
18 receive or enter sex offender registration information within a
19 registration jurisdiction.

20 (n) ~~(o)~~—"Registration jurisdiction" means each of the 50
21 states, the District of Columbia, the Commonwealth of Puerto Rico,
22 Guam, the Northern Mariana Islands, the United States Virgin
23 Islands, American Samoa, and the Indian tribes within the United
24 States that elect to function as a registration jurisdiction.

25 (o) ~~(p)~~—"Residence", as used in this act, for registration and
26 voting purposes means that place at which a person habitually
27 sleeps, keeps his or her personal effects, and has a regular place
28 of lodging. If a person has more than 1 residence, or if a ~~wife~~
29 **person** has a residence separate from that of ~~the~~ **his or her** husband

1 **or wife**, that place at which the person resides the greater part of
2 the time ~~shall~~**must** be his or her official residence for the
3 purposes of this act. If a person is homeless or otherwise lacks a
4 fixed or temporary residence, residence means the village, city, or
5 township where the person spends a majority of his or her time.
6 This section shall not be construed to affect existing judicial
7 interpretation of the term residence for purposes other than the
8 purposes of this act.

9 **(p)** ~~(q)~~—"Student" means an individual enrolled on a full- or
10 part-time basis in a public or private educational institution,
11 including, but not limited to, a secondary school, trade school,
12 professional institution, or institution of higher education.

13 **(q)** ~~(r)~~—"Tier I offender" means an individual convicted of a
14 tier I offense who is not a tier II or tier III offender.

15 **(r)** ~~(s)~~—"Tier I offense" means 1 or more of the following:

16 (i) A violation of section 145c(4) of the Michigan penal code,
17 1931 PA 328, MCL 750.145c.

18 (ii) A violation of section 335a(2)(b) of the Michigan penal
19 code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

20 (iii) A violation of section 349b of the Michigan penal code,
21 1931 PA 328, MCL 750.349b, if the victim is a minor.

22 (iv) A violation of section 449a(2) of the Michigan penal code,
23 1931 PA 328, MCL 750.449a.

24 (v) A violation of section 520e or 520g(2) of the Michigan
25 penal code, 1931 PA 328, MCL 750.520e and 750.520g, if the victim
26 is 18 years or older.

27 (vi) A violation of section 539j of the Michigan penal code,
28 1931 PA 328, MCL 750.539j, if a victim is a minor.

29 (vii) Any other violation of a law of this state or a local

1 ordinance of a municipality, other than a tier II or tier III
2 offense, that by its nature constitutes a sexual offense against an
3 individual who is a minor.

4 (viii) An offense committed by a person who was, at the time of
5 the offense, a sexually delinquent person as defined in section 10a
6 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

7 (ix) An attempt or conspiracy to commit an offense described in
8 subparagraphs (i) to (viii).

9 (x) An offense substantially similar to an offense described
10 in subparagraphs (i) to (ix) under a law of the United States that is
11 specifically enumerated in 42 USC 16911, under a law of any state
12 or any country, or under tribal or military law.

13 (s) ~~(t)~~—"Tier II offender" means either of the following:

14 (i) A tier I offender who is subsequently convicted of another
15 offense that is a tier I offense.

16 (ii) An individual convicted of a tier II offense who is not a
17 tier III offender.

18 (t) ~~(u)~~—"Tier II offense" means 1 or more of the following:

19 (i) A violation of section 145a of the Michigan penal code,
20 1931 PA 328, MCL 750.145a.

21 (ii) A violation of section 145b of the Michigan penal code,
22 1931 PA 328, MCL 750.145b.

23 (iii) A violation of section 145c(2) or (3) of the Michigan
24 penal code, 1931 PA 328, MCL 750.145c.

25 (iv) A violation of section 145d(1)(a) of the Michigan penal
26 code, 1931 PA 328, MCL 750.145d, except for a violation arising out
27 of a violation of section 157c of the Michigan penal code, 1931 PA
28 328, MCL 750.157c.

1 (v) A violation of section 158 of the Michigan penal code,
2 1931 PA 328, MCL 750.158, committed against a minor unless either
3 of the following applies:

4 (A) All of the following:

5 (I) The victim consented to the conduct constituting the
6 violation.

7 (II) The victim was at least 13 years of age but less than 16
8 years of age at the time of the violation.

9 (III) The individual is not more than 4 years older than the
10 victim.

11 (B) All of the following:

12 (I) The victim consented to the conduct constituting the
13 violation.

14 (II) The victim was 16 or 17 years of age at the time of the
15 violation.

16 (III) The victim was not under the custodial authority of the
17 individual at the time of the violation.

18 (vi) A violation of section 338, 338a, or 338b of the Michigan
19 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
20 committed against an individual 13 years of age or older but less
21 than 18 years of age. This subparagraph does not apply if the court
22 determines that either of the following applies:

23 (A) All of the following:

24 (I) The victim consented to the conduct constituting the
25 violation.

26 (II) The victim was at least 13 years of age but less than 16
27 years of age at the time of the violation.

28 (III) The individual is not more than 4 years older than the
29 victim.

1 (B) All of the following:

2 (I) The victim consented to the conduct constituting the
3 violation.

4 (II) The victim was 16 or 17 years of age at the time of the
5 violation.

6 (III) The victim was not under the custodial authority of the
7 individual at the time of the violation.

8 (vii) A violation of section 462e(a) of the Michigan penal
9 code, 1931 PA 328, MCL 750.462e.

10 (viii) A violation of section 448 of the Michigan penal code,
11 1931 PA 328, MCL 750.448, if the victim is a minor.

12 (ix) A violation of section 455 of the Michigan penal code,
13 1931 PA 328, MCL 750.455.

14 (x) A violation of section 520c, 520e, or 520g(2) of the
15 Michigan penal code, 1931 PA 328, MCL 750.520c, 750.520e, and
16 750.520g, committed against an individual 13 years of age or older
17 but less than 18 years of age.

18 (xi) A violation of section 520c committed against an
19 individual 18 years of age or older.

20 (xii) An attempt or conspiracy to commit an offense described in
21 subparagraphs (i) to (xi).

22 (xiii) An offense substantially similar to an offense described
23 in subparagraphs (i) to (xii) under a law of the United States that
24 is specifically enumerated in 42 USC 16911, under a law of any
25 state or any country, or under tribal or military law.

26 (u) ~~(v)~~ "Tier III offender" means either of the following:

27 (i) A tier II offender subsequently convicted of a tier I or II
28 offense.

1 (ii) An individual convicted of a tier III offense.

2 (v) ~~(w)~~—"Tier III offense" means 1 or more of the following:

3 (i) A violation of section 338, 338a, or 338b of the Michigan
4 penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b,
5 committed against an individual less than 13 years of age.

6 (ii) A violation of section 349 of the Michigan penal code,
7 1931 PA 328, MCL 750.349, committed against a minor.

8 (iii) A violation of section 350 of the Michigan penal code,
9 1931 PA 328, MCL 750.350.

10 (iv) A violation of section 520b, 520d, or 520g(1) of the
11 Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520d, and
12 750.520g. This subparagraph does not apply if the court determines
13 that the victim consented to the conduct constituting the
14 violation, that the victim was at least 13 years of age but less
15 than 16 years of age at the time of the offense, and that the
16 individual is not more than 4 years older than the victim.

17 (v) A violation of section 520c or 520g(2) of the Michigan
18 penal code, 1931 PA 328, MCL 750.520c and 750.520g, committed
19 against an individual less than 13 years of age.

20 (vi) A violation of section 520e of the Michigan penal code,
21 1931 PA 328, MCL 750.520e, committed by an individual 17 years of
22 age or older against an individual less than 13 years of age.

23 (vii) An attempt or conspiracy to commit an offense described
24 in subparagraphs (i) to (vi).

25 (viii) An offense substantially similar to an offense described
26 in subparagraphs (i) to (vii) under a law of the United States that
27 is specifically enumerated in 42 USC 16911, under a law of any
28 state or any country, or under tribal or military law.

1 **(w)** ~~(x)~~ "Vehicle" means that term as defined in section 79 of
2 the Michigan vehicle code, 1949 PA 300, MCL 257.79.

3 ~~(y) "Vessel" means that term as defined in section 44501 of~~
4 ~~the natural resources and environmental protection act, 1994 PA~~
5 ~~451, MCL 324.44501.~~

6 Sec. 3a. (1) If an individual pleads guilty to or is found
7 guilty of a listed offense or is adjudicated as a juvenile as being
8 responsible for a listed offense but alleges that he or she is not
9 required to register under this act because section ~~2(u)(v) or (vi)~~
10 **2(t)(v) or (vi)** applies or section ~~2(w)(iv)~~ **2(v)(iv)** applies, and the
11 prosecuting attorney disputes that allegation, the court shall
12 conduct a hearing on the matter before sentencing or disposition to
13 determine whether the individual is required to register under this
14 act.

15 (2) The individual has the burden of proving by a
16 preponderance of the evidence in a hearing under this section that
17 his or her conduct falls within the exceptions described in
18 subsection (1) and that he or she is therefore not required to
19 register under this act.

20 (3) The rules of evidence, except for those pertaining to
21 privileges and protections set forth in section 520j of the
22 Michigan penal code, 1931 PA 328, MCL 750.520j, do not apply to a
23 hearing under this section.

24 (4) The prosecuting attorney shall give the victim notice of
25 the date, time, and place of the hearing.

26 (5) The victim of the offense has the following rights in a
27 hearing under this section:

28 (a) To submit a written statement to the court.

29 (b) To attend the hearing and to make a written or oral

1 statement to the court.

2 (c) To refuse to attend the hearing.

3 (d) To attend the hearing but refuse to testify or make a
4 statement at the hearing.

5 (6) The court's decision excusing or requiring the individual
6 to register is a final order of the court and may be appealed by
7 the prosecuting attorney or the individual as a matter of right.

8 (7) This section applies to criminal and juvenile cases
9 pending on July 1, 2011 and to criminal and juvenile cases brought
10 on and after that date.

11 Sec. 4. (1) Registration of an individual under this act ~~shall~~
12 **must** proceed as provided in this section.

13 (2) For an individual convicted of a listed offense on or
14 before October 1, 1995 who on or before October 1, 1995 is
15 sentenced for that offense, has a disposition entered for that
16 offense, or is assigned to youthful trainee status for that
17 offense, the following shall register the individual by December
18 31, 1995:

19 (a) If the individual is on probation for the listed offense,
20 the individual's probation agent.

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

23 (c) If the individual is under the jurisdiction of the
24 department of corrections for the listed offense, the department of
25 corrections.

26 (d) If the individual is on parole for the listed offense, the
27 individual's parole agent.

28 (e) If the individual is within the jurisdiction of the
29 juvenile division of the probate court or the department of social

1 services under an order of disposition for the listed offense, the
2 juvenile division of the probate court or the department of social
3 services.

4 (3) Except as provided in subsection (4), for an individual
5 convicted of a listed offense on or before October 1, 1995:

6 (a) If the individual is sentenced for that offense after
7 October 1, 1995 or assigned to youthful trainee status after
8 October 1, 1995, the probation agent shall register the individual
9 before sentencing or assignment.

10 (b) If the individual's probation or parole is transferred to
11 this state after October 1, 1995, the probation or parole agent
12 shall register the individual ~~immediately~~ **not more than 7 days**
13 after the transfer.

14 (c) If the individual is placed within the jurisdiction of the
15 juvenile division of the probate court or family division of
16 circuit court or committed to the department of ~~social services or~~
17 ~~family independence agency~~ **health and human services** under an order
18 of disposition entered after October 1, 1995, the juvenile division
19 of the probate court or family division of circuit court shall
20 register the individual before the order of disposition is entered.

21 (4) For an individual convicted on or before September 1, 1999
22 of an offense that was added on September 1, 1999 to the definition
23 of listed offense, the following shall register the individual:

24 (a) If the individual is on probation or parole on September
25 1, 1999 for the listed offense, the individual's probation or
26 parole agent not later than September 12, 1999.

27 (b) If the individual is committed to jail on September 1,
28 1999 for the listed offense, the sheriff or his or her designee not
29 later than September 12, 1999.

1 (c) If the individual is under the jurisdiction of the
2 department of corrections on September 1, 1999 for the listed
3 offense, the department of corrections not later than November 30,
4 1999.

5 (d) If the individual is within the jurisdiction of the family
6 division of circuit court or committed to the ~~family independence~~
7 ~~agency~~ **department of health and human services** or county juvenile
8 agency on September 1, 1999 under an order of disposition for the
9 listed offense, the family division of circuit court, the ~~family~~
10 ~~independence agency~~, **department of health and human services**, or
11 the county juvenile agency not later than November 30, 1999.

12 (e) If the individual is sentenced or assigned to youthful
13 trainee status for that offense after September 1, 1999, the
14 probation agent shall register the individual before sentencing or
15 assignment.

16 (f) If the individual's probation or parole for the listed
17 offense is transferred to this state after September 1, 1999, the
18 probation or parole agent shall register the individual within 14
19 days after the transfer.

20 (g) If the individual is placed within the jurisdiction of the
21 family division of circuit court or committed to the ~~family~~
22 ~~independence agency~~ **department of health and human services** for the
23 listed offense after September 1, 1999, the family division of
24 circuit court shall register the individual before the order of
25 disposition is entered.

26 (5) Subject to section 3, an individual convicted of a listed
27 offense in this state after October 1, 1995 and an individual who
28 was previously convicted of a listed offense for which he or she
29 was not required to register under this act, but who is convicted

1 of any other felony on or after July 1, 2011, shall register before
2 sentencing, entry of the order of disposition, or assignment to
3 youthful trainee status for that listed offense or that other
4 felony. The probation agent or the family division of circuit court
5 shall give the individual the registration form after the
6 individual is convicted, explain the duty to register and accept
7 the completed registration for processing under section 6. The
8 court shall not impose sentence, enter the order of disposition, or
9 assign the individual to youthful trainee status, until it
10 determines that the individual's registration was forwarded to the
11 department as required under section 6.

12 (6) All of the following shall register with the local law
13 enforcement agency, sheriff's department, or the department
14 ~~immediately~~ **not more than 3 business days** after becoming domiciled
15 or temporarily residing, working, or being a student in this state:

16 (a) Subject to section 3(1), an individual convicted in
17 another state or country on or after October 1, 1995 of a listed
18 offense as defined before September 1, 1999.

19 (b) Subject to section 3(2), an individual convicted in
20 another state or country of an offense added on September 1, 1999
21 to the definition of listed offenses.

22 (c) Subject to section 3(1), an individual convicted in
23 another state or country of a listed offense before October 1, 1995
24 and, subject to section 3(2), an individual convicted in another
25 state or country of an offense added on September 1, 1999 to the
26 definition of listed offenses, who is convicted of any other felony
27 on or after July 1, 2011.

28 (d) An individual required to be registered as a sex offender
29 in another state or country regardless of when the conviction was

1 entered.

2 (7) If a prosecution or juvenile proceeding is pending on July
3 1, 2011, whether the defendant in a criminal case or the minor in a
4 juvenile proceeding is required to register under this act ~~shall~~
5 **must** be determined on the basis of the law in effect on July 1,
6 2011.

7 Sec. 4a. (1) An individual required to be registered under
8 this act who is not a resident of this state shall report his or
9 her status in person to the registering authority having
10 jurisdiction over a campus of an institution of higher education if
11 either of the following occurs:

12 (a) The individual is or enrolls as a student with that
13 institution of higher education or the individual discontinues that
14 enrollment.

15 (b) As part of his or her course of studies at an institution
16 of higher education in this state, the individual is present at any
17 other location in this state, another state, a territory or
18 possession of the United States, or the individual discontinues his
19 or her studies at that location.

20 (2) An individual required to be registered under this act who
21 is a resident of this state shall report his or her status in
22 person to the registering authority having jurisdiction where his
23 or her new residence or domicile is located if any of the events
24 described under subsection (1) occur.

25 (3) The report required under subsections (1) and (2) ~~shall~~
26 **must** be made as follows:

27 (a) For an individual registered under this act before October
28 1, 2002 who is required to make his or her first report under
29 subsections (1) and (2), not later than January 15, 2003.

1 (b) ~~Immediately~~ **Not more than 3 business days** after he or she
 2 enrolls or discontinues his or her enrollment as a student on that
 3 campus including study in this state or another state, a territory
 4 or possession of the United States, or another country.

5 (4) The additional registration reports required under this
 6 section ~~shall~~ **must** be made in the time periods described in section
 7 5a(2) (a) to (c) for reports under that section.

8 (5) The local law enforcement agency, sheriff's department, or
 9 department post to which an individual reports under this section
 10 shall require the individual to pay the registration fee required
 11 under section 5a or ~~section~~ 7(1) and to present written
 12 documentation of employment status, contractual relationship,
 13 volunteer status, or student status. Written documentation under
 14 this subsection may include, but need not be limited to, any of the
 15 following:

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

17 (b) A contract.

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

19 (6) This section does not apply to an individual whose
 20 enrollment and participation at an institution of higher education
 21 is solely through the mail or the internet from a remote location.

22 Sec. 5. (1) An individual required to be registered under this
 23 act who is a resident of this state shall report in person, **or in**
 24 **another manner as prescribed by the department**, and notify the
 25 registering authority having jurisdiction where his or her
 26 residence or domicile is located ~~immediately~~ **not more than 3**
 27 **business days** after any of the following occur:

28 (a) The individual changes or vacates his or her residence or
 29 domicile.

1 (b) The individual changes his or her place of employment, or
2 employment is discontinued.

3 (c) The individual enrolls as a student with an institution of
4 higher education, or enrollment is discontinued.

5 (d) The individual changes his or her name.

6 ~~(e) The individual intends to temporarily reside at any place
7 other than his or her residence for more than 7 days.~~

8 ~~(f) The individual establishes any electronic mail or instant
9 message address, or any other designations used in internet
10 communications or postings.~~

11 ~~(g) The individual purchases or begins to regularly operate
12 any vehicle, and when ownership or operation of the vehicle is
13 discontinued.~~

14 (e) ~~(h)~~ Any change required to be reported under section 4a.

15 (2) An individual required to be registered under this act who
16 is a resident of this state shall report in the manner prescribed
17 by the department to the registering authority having jurisdiction
18 where his or her residence or domicile is located not more than 3
19 business days after any of the following occur:

20 (a) Except as otherwise provided in this subdivision, any
21 change in vehicle information, electronic mail addresses, internet
22 identifiers, or telephone numbers registered to or used by the
23 individual. The requirement to report any change in electronic mail
24 addresses and internet identifiers applies only to an individual
25 required to be registered under this act after July 1, 2011.

26 (b) The individual intends to temporarily reside at any place
27 other than his or her residence for more than 7 days.

28 (3) ~~(2)~~ An individual required to be registered under this
29 act, who is not a resident of this state but has his or her place

1 of employment in this state shall report in person and notify the
 2 registering authority having jurisdiction where his or her place of
 3 employment is located or the department post of the individual's
 4 place of employment ~~immediately~~ **not more than 3 business days** after
 5 the individual changes his or her place of employment or employment
 6 is discontinued.

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

14 (5) ~~(4)~~—If an individual who is incarcerated in a county jail
 15 and is required to be registered under this act is due to be
 16 released from custody, the sheriff's department, before releasing
 17 the individual, shall provide notice of the location of the
 18 individual's proposed place of residence or domicile to the
 19 department of state police.

20 (6) ~~(5)~~—~~Immediately~~ **Not more than 7 days** after either of the
 21 following occurs, the department of corrections shall notify the
 22 local law enforcement agency or sheriff's department having
 23 jurisdiction over the area to which the individual is transferred
 24 or the department post of the transferred residence or domicile of
 25 an individual required to be registered under this act:

26 (a) The individual is transferred to a community residential
 27 program.

28 (b) The individual is transferred into a level 1 correctional
 29 facility of any kind, including a correctional camp or work camp.

1 (7) ~~(6)~~—An individual required to be registered under this act
2 who is a resident of this state shall report in person and notify
3 the registering authority having jurisdiction where his or her
4 residence or domicile is located ~~immediately~~**not more than 3**
5 **business days** before he or she changes his or her domicile or
6 residence to another state. The individual shall indicate the new
7 state and, if known, the new address. The department shall update
8 the registration and compilation databases and promptly notify the
9 appropriate law enforcement agency and any applicable sex or child
10 offender registration authority in the new state.

11 (8) ~~(7)~~—An individual required to be registered under this
12 act, who is a resident of this state, shall report in person and
13 notify the registering authority having jurisdiction where his or
14 her residence or domicile is located not later than 21 days before
15 he or she changes his or her domicile or residence to another
16 country or travels to another country for more than 7 days. The
17 individual shall state the new country of residence or country of
18 travel and the address of his or her new domicile or residence or
19 place of stay, if known. The department shall update the
20 registration and compilation databases and promptly notify the
21 appropriate law enforcement agency and any applicable sex or child
22 offender registration authority.

23 (9) ~~(8)~~—If the probation or parole of an individual required
24 to be registered under this act is transferred to another state or
25 an individual required to be registered under this act is
26 transferred from a state correctional facility to any correctional
27 facility or probation or parole in another state, the department of
28 corrections shall promptly notify the department and the
29 appropriate law enforcement agency and any applicable sex or child

1 offender registration authority in the new state. The department
2 shall update the registration and compilation databases.

3 (10) ~~(9)~~—An individual registered under this act shall comply
4 with the verification procedures and proof of residence procedures
5 prescribed in sections 4a and 5a.

6 (11) ~~(10)~~—Except as otherwise provided in this section and
7 section 8c, a tier I offender shall comply with this section for 15
8 years.

9 (12) ~~(11)~~—Except as otherwise provided in this section and
10 section 8c, a tier II offender shall comply with this section for
11 25 years.

12 (13) ~~(12)~~—Except as otherwise provided in this section and
13 section 8c, a tier III offender shall comply with this section for
14 life.

15 (14) ~~(13)~~—The registration periods under this section exclude
16 any period of incarceration for committing a crime and any period
17 of civil commitment.

18 (15) ~~(14)~~—For an individual who was previously convicted of a
19 listed offense for which he or she was not required to register
20 under this act but who is convicted of any felony on or after July
21 1, 2011, any period of time that he or she was not incarcerated for
22 that listed offense or that other felony and was not civilly
23 committed counts toward satisfying the registration period for that
24 listed offense as described in this section. If those periods equal
25 or exceed the registration period described in this section, the
26 individual has satisfied his or her registration period for the
27 listed offense and is not required to register under this act. If
28 those periods are less than the registration period described in
29 this section for that listed offense, the individual shall comply

1 with this section for the period of time remaining.

2 (16) If an individual required to be registered under this act
3 presents an order to the department or the appropriate registering
4 authority that the conviction or adjudication for which the
5 individual is required to be registered under this act has been set
6 aside under 1965 PA 213, MCL 780.621 to 780.624, or has been
7 otherwise expunged, his or her registration under this act must be
8 discontinued. If this subsection applies, the department shall
9 remove the individual from both the law enforcement database and
10 the public internet website maintained under section 8.

11 Sec. 5a. (1) The department shall mail a notice to each
12 individual registered under this act who is not in a state
13 correctional facility explaining the individual's duties under this
14 act as amended.

15 (2) Upon the release of an individual registered under this
16 act who is in a state correctional facility, the department of
17 corrections shall provide written notice to that individual
18 explaining his or her duties under this section and this act ~~as~~
19 ~~amended~~ and the procedure for registration, notification, and
20 verification and payment of the registration fee prescribed under
21 subsection (6) or section 7(1). The individual shall sign and date
22 the notice. The department of corrections shall maintain a copy of
23 the signed and dated notice in the individual's file. The
24 department of corrections shall forward the original notice to the
25 department ~~immediately,~~ **within 7 days**, regardless of whether the
26 individual signs it.

27 (3) Subject to subsection (4), an individual required to be
28 registered under this act who is not incarcerated shall report in
29 person to the registering authority where he or she is domiciled or

1 resides for verification of domicile or residence as follows:

2 (a) If the individual is a tier I offender, the individual
 3 shall report once each year during the individual's month of birth.

4 (b) If the individual is a tier II offender, the individual
 5 shall report twice each year according to the following schedule:

6 <u>Birth Month</u>	<u>Reporting Months</u>
7 January	January and July
8 February	February and August
9 March	March and September
10 April	April and October
11 May	May and November
12 June	June and December
13 July	January and July
14 August	February and August
15 September	March and September
16 October	April and October
17 November	May and November
18 December	June and December

19 (c) If the individual is a tier III offender, the individual
 20 shall report 4 times each year according to the following schedule:

21 <u>Birth Month</u>	<u>Reporting Months</u>
22 January	January, April, July, and October
23 February	February, May, August, and November
24 March	March, June, September, and December
25 April	April, July, October, and January
26 May	May, August, November, and February
27 June	June, September, December, and March
28 July	July, October, January, and April
29 August	August, November, February, and May

1 September September, December, March, and June
 2 October October, January, April, and July
 3 November November, February, May, and August
 4 December December, March, June, and September

5 (4) A report under subsection (3) must be made no earlier than
 6 the first day or later than the last day of the month in which the
 7 individual is required to report. However, if the registration
 8 period for that individual expires during the month in which he or
 9 she is required to report under this section, the individual shall
 10 report during that month on or before the date his or her
 11 registration period expires. When an individual reports under
 12 subsection (3), the individual shall review all registration
 13 information for accuracy.

14 (5) When an individual reports under subsection (3) ~~an~~
 15 officer or authorized employee of the registering authority shall
 16 verify the individual's residence or domicile and any information
 17 required to be reported under section 4a. The officer or authorized
 18 employee shall also determine whether the individual's photograph
 19 required under this act matches the appearance of the individual
 20 sufficiently to properly identify him or her from that photograph.
 21 If not, the officer or authorized employee shall require the
 22 individual to ~~immediately~~ obtain a current photograph **within 7 days**
 23 under this section. When all of the verification information has
 24 been provided, the officer or authorized employee shall review that
 25 information with the individual and make any corrections,
 26 additions, or deletions the officer or authorized employee
 27 determines are necessary based on the review. The officer or
 28 authorized employee shall sign and date a verification receipt. The
 29 officer or authorized employee shall give a copy of the signed

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

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

11 (a) Upon initial registration.

12 (b) Annually following the year of initial registration. The
13 payment of the registration fee under this subdivision must be made
14 at the time the individual reports in the first reporting month for
15 that individual as set forth in subsection (3) of each year in
16 which the fee applies, unless an individual elects to prepay an
17 annual registration fee for any future year for which an annual
18 registration fee is required. Prepaying any annual registration fee
19 must not change or alter the requirement of an individual to report
20 as set forth in subsection (3). The payment of the registration fee
21 under this subdivision is not required to be made for any
22 registration year that has expired before January 1, 2014 or to be
23 made by any individual initially required to register under this
24 act after January 1, 2023. The registration fee required to be paid
25 under this subdivision must not be prorated on grounds that the
26 individual will complete his or her registration period after the
27 month in which the fee is due.

28 (c) The sum of the amounts required to be paid under
29 subdivisions (a) and (b) must not exceed \$550.00.

1 (7) ~~An~~ **Except as otherwise provided in this subsection, an**
2 individual required to be registered under this act shall maintain
3 either a valid operator's or chauffeur's license issued under the
4 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an
5 official state personal identification card issued under 1972 PA
6 222, MCL 28.291 to 28.300, with the individual's current address.
7 The license or card may be used as proof of domicile or residence
8 under this section. In addition, the officer or authorized employee
9 may require the individual to produce another document bearing his
10 or her name and address, including, but not limited to, voter
11 registration or a utility or other bill. The department may specify
12 other satisfactory proof of domicile or residence. **The requirement**
13 **to maintain a valid operator's or chauffeur's license issued under**
14 **the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an**
15 **official state personal identification card issued under 1972 PA**
16 **222, MCL 28.291 to 28.300, does not apply to an individual required**
17 **to be registered under this act who is homeless. As used in this**
18 **subsection, "homeless" means someone who lacks a fixed or temporary**
19 **residence.**

20 (8) An individual registered under this act who is
21 incarcerated shall report to the secretary of state under this
22 subsection ~~immediately~~ **not more than 7 days** after he or she is
23 released to have his or her digitalized photograph taken. The
24 individual is not required to report under this subsection if he or
25 she had a digitized photograph taken for an operator's or
26 chauffeur's license or official state personal identification card
27 before January 1, 2000, or within 2 years before he or she is
28 released unless his or her appearance has changed from the date of
29 that photograph. Unless the person is a nonresident, the photograph

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

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

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

14 Sec. 7. (1) Registration information obtained under this act
 15 ~~shall~~**must** be forwarded to the department in the format the
 16 department prescribes. Except as provided in section 5b(3), a
 17 \$50.00 registration fee ~~shall~~**must** accompany each original
 18 registration. All of the following information ~~shall~~**must** be
 19 obtained or otherwise provided for registration purposes:

20 (a) The individual's legal name and any aliases, nicknames,
 21 ethnic or tribal names, or other names by which the individual is
 22 or has been known. An individual who is in a witness protection and
 23 relocation program is only required to use the name and identifying
 24 information reflecting his or her new identity in a registration
 25 under this act. The registration and compilation databases ~~shall~~
 26 **must** not contain any information identifying the individual's prior
 27 identity or locale.

28 (b) The individual's ~~social security~~**Social Security** number
 29 and any ~~social security~~**Social Security** numbers or alleged ~~social~~

1 ~~security~~ **Social Security** numbers previously used by the individual.

2 (c) The individual's date of birth and any alleged dates of
3 birth previously used by the individual.

4 (d) The address where the individual resides or will reside.

5 If the individual does not have a residential address, information
6 under this subsection ~~shall~~ **must** identify the location or area used
7 or to be used by the individual in lieu of a residence or, if the
8 individual is homeless, the village, city, or township where the
9 person spends or will spend the majority of his or her time.

10 (e) The name and address of any place of temporary lodging
11 used or to be used by the individual during any period in which the
12 individual is away, or is expected to be away, from his or her
13 residence for more than 7 days. Information under this subdivision
14 ~~shall~~ **must** include the dates the lodging is used or to be used.

15 (f) The name and address of each of the individual's
16 employers. For purposes of this subdivision, "employer" includes a
17 contractor and any individual who has agreed to hire or contract
18 with the individual for his or her services. Information under this
19 subsection ~~shall~~ **must** include the address or location of employment
20 if different from the address of the employer. If the individual
21 lacks a fixed employment location, the information obtained under
22 this subdivision ~~shall~~ **must** include the general areas where the
23 individual works and the normal travel routes taken by the
24 individual in the course of his or her employment.

25 (g) The name and address of any school being attended by the
26 individual and any school that has accepted the individual as a
27 student that he or she plans to attend. For purposes of this
28 subdivision, "school" means a public or private postsecondary
29 school or school of higher education, including a trade school.

1 (h) All telephone numbers registered to the individual or
2 ~~regularly~~ used by the individual, **including, but not limited to,**
3 **residential, work, and mobile telephone numbers.**

4 (i) ~~All~~ **Except as otherwise provided in this subdivision, all**
5 electronic mail addresses and ~~instant message addresses assigned to~~
6 ~~the individual or regularly~~ **internet identifiers registered to or**
7 used by the individual. ~~and all login names or other identifiers~~
8 ~~used by the individual when using any electronic mail address or~~
9 ~~instant messaging system.~~ **This subdivision applies only to an**
10 **individual required to be registered under this act after July 1,**
11 **2011.**

12 (j) The license plate number, ~~registration number,~~ and
13 description of any ~~motor vehicle, aircraft, or vessel~~ owned or
14 ~~regularly~~ operated by the individual. ~~and the location at which the~~
15 ~~motor vehicle, aircraft, or vessel is habitually stored or kept.~~

16 (k) The individual's driver license number or state personal
17 identification card number.

18 (l) A digital copy of the individual's passport and other
19 immigration documents.

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

23 (n) A brief summary of the individual's convictions for listed
24 offenses regardless of when the conviction occurred, including
25 where the offense occurred and the original charge if the
26 conviction was for a lesser offense.

27 (o) A complete physical description of the individual.

28 (p) The photograph required under section 5a.

29 (q) The individual's fingerprints if not already on file with

1 the department and the individual's palm prints. An individual
2 required to be registered under this act shall have his or her
3 fingerprints or palm prints or both taken not later than September
4 12, 2011 if his or her fingerprints or palm prints are not already
5 on file with the department. The department shall forward a copy of
6 the individual's fingerprints and palm prints to the ~~federal bureau~~
7 ~~of investigation~~ **Federal Bureau of Investigation** if not already on
8 file with that bureau.

9 (r) Information that is required to be reported under section
10 4a.

11 (2) A registration ~~shall~~ **must** contain all of the following:

12 (a) An electronic copy of the offender's Michigan driver
13 license or Michigan personal identification card, including the
14 photograph required under this act.

15 (b) The text of the provision of law that defines the criminal
16 offense for which the sex offender is registered.

17 (c) Any outstanding arrest warrant information.

18 (d) The individual's tier classification.

19 (e) An identifier that indicates whether a DNA sample has been
20 collected and any resulting DNA profile has been entered into the
21 federal combined DNA index system (CODIS).

22 (f) The individual's complete criminal history record,
23 including the dates of all arrests and convictions.

24 (g) The individual's Michigan department of corrections number
25 and status of parole, probation, or supervised release.

26 (h) The individual's ~~federal bureau of investigation~~ **Federal**
27 **Bureau of Investigation** number.

28 (3) The form used for notification of duties under this act
29 ~~shall~~ **must** contain a written statement that explains the duty of

1 the individual being registered to provide notice of changes in his
2 or her registration information, the procedures for providing that
3 notice, and the verification procedures under section 5a.

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

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

11 (6) An individual shall not knowingly provide false or
12 misleading information concerning a registration, notice, or
13 verification.

14 (7) The department shall prescribe the form for a notification
15 required under section 5 and the format for forwarding the
16 notification to the department.

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

22 Sec. 8. (1) The department shall maintain a computerized law
23 enforcement database of registrations and notices required under
24 this act. The law enforcement database ~~shall~~**must** contain all of
25 the following information for each individual registered under this
26 act:

27 (a) The individual's legal name and any aliases, nicknames,
28 ethnic or tribal names, or other names by which the individual is
29 or has been known.

1 (b) The individual's ~~social security~~ **Social Security** number
2 and any ~~social security~~ **Social Security** numbers or alleged ~~social~~
3 ~~security~~ **Social Security** numbers previously used by the individual.

4 (c) The individual's date of birth and any alleged dates of
5 birth previously used by the individual.

6 (d) The address where the individual resides or will reside.
7 If the individual does not have a residential address, information
8 under this subsection ~~shall~~ **must** identify the location or area used
9 or to be used by the individual in lieu of a residence or, if the
10 individual is homeless, the village, city, or township where the
11 individual spends or will spend the majority of his or her time.

12 (e) The name and address of any place of temporary lodging
13 used or to be used by the individual during any period in which the
14 individual is away, or is expected to be away, from his or her
15 residence for more than 7 days. Information under this subdivision
16 ~~shall~~ **must** include the dates the lodging is used or to be used.

17 (f) The name and address of each of the individual's
18 employers. For purposes of this subdivision, "employer" includes a
19 contractor and any individual who has agreed to hire or contract
20 with the individual for his or her services. Information under this
21 subsection ~~shall~~ **must** include the address or location of employment
22 if different from the address of the employer.

23 (g) The name and address of any school being attended by the
24 individual and any school that has accepted the individual as a
25 student that he or she plans to attend. For purposes of this
26 subdivision, "school" means a public or private postsecondary
27 school or school of higher education, including a trade school.

28 (h) All telephone numbers registered to the individual or
29 ~~routinely~~ used by the individual, **including, but not limited to,**

1 **residential, work, and mobile telephone numbers.**

2 (i) ~~All~~ **Except as otherwise provided in this subdivision, all**
3 ~~electronic mail addresses and instant message addresses assigned to~~
4 ~~the individual or routinely~~ **internet identifiers registered to or**
5 ~~used by the individual. and all login names or other identifiers~~
6 ~~used by the individual when using any electronic mail address or~~
7 ~~instant messaging system.~~ **This subdivision applies only to an**
8 **individual required to be registered under this act after July 1,**
9 **2011.**

10 (j) The license plate number ~~or registration number~~ and
11 description of any ~~motor vehicle, aircraft, or vessel~~ owned or
12 regularly operated by the individual. ~~and the location at which the~~
13 ~~motor vehicle, aircraft, or vessel is habitually stored or kept.~~

14 (k) The individual's driver license number or state personal
15 identification card number.

16 (l) A digital copy of the individual's passport and other
17 immigration documents.

18 (m) The individual's occupational and professional licensing
19 information, including any license that authorizes the individual
20 to engage in any occupation, profession, trade, or business.

21 (n) A brief summary of the individual's convictions for listed
22 offenses regardless of when the conviction occurred, including
23 where the offense occurred and the original charge if the
24 conviction was for a lesser offense.

25 (o) A complete physical description of the individual.

26 (p) The photograph required under section 5a.

27 (q) The individual's fingerprints and palm prints.

28 (r) An electronic copy of the offender's Michigan driver
29 license or Michigan personal identification card, including the

1 photograph required under this act.

2 (s) The text of the provision of law that defines the criminal
3 offense for which the sex offender is registered.

4 (t) Any outstanding arrest warrant information.

5 (u) The individual's tier classification and registration
6 status.

7 (v) An identifier that indicates whether a DNA sample has been
8 collected and any resulting DNA profile has been entered into the
9 federal combined DNA index system (CODIS).

10 (w) The individual's complete criminal history record,
11 including the dates of all arrests and convictions.

12 (x) The individual's Michigan department of corrections number
13 and the status of his or her parole, probation, or release.

14 (y) The individual's ~~federal bureau of investigation~~ **Federal**
15 **Bureau of Investigation** number.

16 (2) The department shall maintain a public internet website
17 separate from the law enforcement database described in subsection
18 (1) to implement section 10(2) and (3). Except as provided in
19 subsection (4), the public internet website ~~shall~~ **must** contain all
20 of the following information for each individual registered under
21 this act:

22 (a) The individual's legal name and any aliases, nicknames,
23 ethnic or tribal names, or other names by which the individual is
24 or has been known.

25 (b) The individual's date of birth.

26 (c) The address where the individual resides. If the
27 individual does not have a residential address, information under
28 this subsection ~~shall~~ **must** identify the village, city, or township
29 used by the individual in lieu of a residence.

1 (d) The address of each of the individual's employers. For
 2 purposes of this subdivision, "employer" includes a contractor and
 3 any individual who has agreed to hire or contract with the
 4 individual for his or her services. Information under this
 5 subsection ~~shall~~**must** include the address or location of employment
 6 if different from the address of the employer.

7 (e) The address of any school being attended by the individual
 8 and any school that has accepted the individual as a student that
 9 he or she plans to attend. For purposes of this subdivision,
 10 "school" means a public or private postsecondary school or school
 11 of higher education, including a trade school.

12 (f) The license plate number ~~or registration number~~ and
 13 description of any ~~motor vehicle, aircraft, or vessel~~ owned or
 14 ~~regularly~~ operated by the individual.

15 (g) A brief summary of the individual's convictions for listed
 16 offenses regardless of when the conviction occurred.

17 (h) A complete physical description of the individual.

18 (i) The photograph required under this act. If no photograph
 19 is available, the department shall use an arrest photograph or
 20 Michigan department of corrections photograph until a photograph as
 21 prescribed in section 5a becomes available.

22 (j) The text of the provision of law that defines the criminal
 23 offense for which the sex offender is registered.

24 (k) The individual's registration status.

25 ~~(l) The individual's tier classification.~~

26 (3) The following information ~~shall~~**must** not be made available
 27 on the public internet website described in subsection (2):

28 (a) The identity of any victim of the offense.

29 (b) The individual's ~~social security~~**Social Security** number.

1 (c) Any arrests not resulting in a conviction.

2 (d) Any travel or immigration document numbers.

3 (e) ~~Any electronic mail addresses and instant message~~
4 ~~addresses assigned to the individual or routinely used by the~~
5 ~~individual and any login names or other identifiers used by the~~
6 ~~individual when using any electronic mail address or instant~~
7 ~~messaging system.~~**The individual's tier classification.**

8 (f) The individual's driver license number or state personal
9 identification card number.

10 (4) The public internet website described in subsection (2)
11 ~~shall~~**must** not include the following individuals:

12 (a) An individual registered solely because he or she had 1 or
13 more dispositions for a listed offense entered under section 18 of
14 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
15 in a case that was not designated as a case in which the individual
16 was to be tried in the same manner as an adult under section 2d of
17 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

18 (b) An individual registered solely because he or she was the
19 subject of an order of disposition or other adjudication in a
20 juvenile matter in another state or country.

21 (c) An individual registered solely because he or she was
22 convicted of a single tier I offense, other than an individual who
23 was convicted of a violation of any of the following:

24 (i) Section 145c(4) of the Michigan penal code, 1931 PA 328,
25 MCL 750.145c.

26 (ii) A violation of section 335a(2)(b) of the Michigan penal
27 code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

28 (iii) Section 349b of the Michigan penal code, 1931 PA 328, MCL
29 750.349b, if the victim is a minor.

1 (iv) Section 539j of the Michigan penal code, 1931 PA 328, MCL
2 750.539j, if a victim is a minor.

3 (v) An offense substantially similar to an offense described
4 in subparagraphs (i) to ~~(v)~~ (iv) under a law of the United States
5 that is specifically enumerated in 42 USC 16911, under a law of any
6 state or any country, or under tribal or military law.

7 (5) The compilation of individuals ~~shall~~ **must** be indexed
8 alphabetically by village, city, township, and county, numerically
9 by zip code area, and geographically as determined appropriate by
10 the department.

11 (6) The department shall update the public internet website
12 with new registrations, deletions from registrations, and address
13 changes at the same time those changes are made to the law
14 enforcement database described in subsection (1). The department
15 shall make the law enforcement database available to each
16 department post, local law enforcement agency, and sheriff's
17 department by the law enforcement information network. Upon request
18 by a department post, local law enforcement agency, or sheriff's
19 department, the department shall provide to that post, agency, or
20 sheriff's department the information from the law enforcement
21 database in printed form for the designated areas located in whole
22 or in part within the post's, agency's, or sheriff's department's
23 jurisdiction. The department shall provide the ability to conduct a
24 computerized search of the law enforcement database and the public
25 internet website based upon the name and campus location of an
26 institution of higher education.

27 (7) The department shall make the law enforcement database
28 available to a department post, local law enforcement agency, or
29 sheriff's department by electronic, computerized, or other similar

1 means accessible to the post, agency, or sheriff's department. The
2 department shall make the public internet website available to the
3 public by electronic, computerized, or other similar means
4 accessible to the public. The electronic, computerized, or other
5 similar means shall provide for a search by name, village, city,
6 township, and county designation, zip code, and geographical area.

7 (8) If a court determines that the public availability under
8 section 10 of any information concerning individuals registered
9 under this act violates the constitution of the United States or
10 this state, the department shall revise the public internet website
11 described in subsection (2) so that it does not contain that
12 information.

13 (9) If the department determines that an individual has
14 completed his or her registration period, including a registration
15 period reduced by law under 2011 PA 18, or that he or she otherwise
16 is no longer required to register under this act, the department
17 shall remove the individual's registration information from both
18 the law enforcement database and the public internet website within
19 7 days after making that determination.

20 ~~(10) If the individual provides the department with~~
21 ~~documentation showing that he or she is required to register under~~
22 ~~this act for a violation that has been set aside under 1965 PA 213,~~
23 ~~MCL 780.621 to 780.624, or that has been otherwise expunged, the~~
24 ~~department shall note on the public internet website that the~~
25 ~~violation has been set aside or expunged.~~

26 Sec. 9. (1) Except as provided in subsections (2), (3), and
27 (4), an individual required to be registered under this act who
28 willfully violates this act is guilty of a felony punishable as
29 follows:

1 (a) If the individual has no prior convictions for a violation
2 of this act, by imprisonment for not more than 4 years or a fine of
3 not more than \$2,000.00, or both.

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

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

10 (2) An individual who **willfully** fails to comply with section
11 5a, other than payment of the fee required under section 5a(6), is
12 guilty of a misdemeanor punishable by imprisonment for not more
13 than 2 years or a fine of not more than \$2,000.00, or both.

14 (3) An individual who willfully fails to sign a registration
15 and notice as provided in section 7(4) is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of
17 not more than \$1,000.00, or both.

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

23 (5) The court shall revoke the probation of an individual
24 placed on probation who willfully violates this act.

25 (6) The court shall revoke the youthful trainee status of an
26 individual assigned to youthful trainee status who willfully
27 violates this act.

28 (7) The parole board shall rescind the parole of an individual
29 released on parole who willfully violates this act.

1 (8) An individual's failure to register as required by this
2 act or a violation of section 5 may be prosecuted in the judicial
3 district of any of the following:

4 (a) The individual's last registered address or residence.

5 (b) The individual's actual address or residence.

6 (c) Where the individual was arrested for the violation.

7 Enacting section 1. Sections 33 to 36 of the sex offenders
8 registration act, 1994 PA 295, MCL 28.733 to 27.736, are repealed.