



Telephone: (517) 373-5383

Fax: (517) 373-1986

Senate Bill 424 (as passed by the Senate)

Sponsor: Senator Sam Singh

Committee: Government Operations (discharged)

Date Completed: 8-12-25

CONTENT

The bill would amend the Sex Offenders Registration Act to do the following:

- -- Require the Department of State Police (MSP) to notify an individual who was domiciled, temporarily residing, working, or studying in the State and who was required to register as a sex offender under comparable statute of another state or had been convicted of an offense similar to a registerable offense in the State that the individual could have to register in the State.
- -- Specify that an individual described above would have the opportunity to petition a circuit court to determine whether the individual had to register in the State.
- -- Require a circuit court considering a petition from an individual described above to consider whether the legal elements of the registerable offense in the State and the out-of-state offense were substantially similar and whether the individual was still required to register in the jurisdiction of conviction.
- -- Require a prosecutor to prove by a preponderance of evidence that an individual's out-of-state offense was substantially similar to a registerable offense in the State in a hearing concerning a petition described above.
- -- Specify how the court would have to determine a petitioner's registration if it determined that the individual was required to register after a petition hearing.
- -- Specify that an individual who was notified by the MSP and who failed to petition to a circuit court within 30 days would be considered to have waived the allowance for judicial review and then require the MSP to determine the individual's registration status.
- -- Specify that a Tier III sex offender who committed the offense before July 1, 2011, would have to comply with the Act's registration and reporting requirements for 25 years after the date of initial registration or for 10 years after release if the individual were in a State correctional facility and that a Tier III sex offender who committed the offense after July 1, 2011, would have to comply for life.¹

Generally, the Act requires individuals who have been convicted of certain crimes and who permanently or temporarily reside in, work in (with or without compensation), or attend school in the State to register with the State as sex offenders. There are three different tiers an individual may be registered under, based on the severity of the offense: Tier I, Tier II, and Tier III. Individuals registered under the Act must provide certain information to the MSP regarding their residences, employment, and other factors. Tier I is the least restrictive tier, requiring annual in-person verification for 15 years. Tier II requires verification twice a year for 25 years, while Tier III requires quarterly verification for life.

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¹ Public Acts 17 through 19 of 2011 took effect July 1, 2011, established the tiered sex offender system, and require a Tier III offender to comply with registration and reporting requirements for life.

The bill would require the MSP to notify, by first-class mail, an individual if that individual 1) permanently or temporarily resided in, worked in (with or without compensation), or attended school in the State and 2) was either required to register as a sex offender under a comparable statute of another state or the United States or had been convicted of an offense that was substantially similar to a registerable offense in the State that the individual could be required to register under the Act in Michigan.

The bill would require that such an individual be provided the opportunity to petition the circuit court where the individual resided, worked, or studied to determine whether the individual was required to register in the State and, if so, what the individual's registration obligations were under the Act. If an individual filed a petition, that individual would not have to register until the petition was decided by the circuit court. The bill would require an individual who filed such a petition to provide a copy of the petition to the MSP at the time of filing.

The court would have to consider the following in determining whether an individual with an out-of-state offense was required to register in Michigan but could not grant the petition if the court determined that the individual was a continuing threat to the public:

- -- Whether or not the legal elements of the registerable offense in the State and the out-ofstate offense were substantially similar.
- -- Whether or not the individual was still required to register in the jurisdiction of conviction.

In a hearing on a petition, the prosecutor would have the burden to prove, by a preponderance of the evidence, that the individual's out-of-state offense was substantially similar to a registerable offense in the State, or that the individual was still required to register in the jurisdiction of conviction. The petitioner could present evidence to support the lack of similarity or lack of requirement to register in the jurisdiction of conviction but could not contest the validity of the out-of-state conviction.

If the circuit court determined that an individual with an out-of-state offense was required to register in the State because the out-of-state offense was substantially similar to a registerable offense in the State, the court would have to determine under which tier the individual was subject to registration. If the circuit court determined that there was no substantially similar offense in the State, but the individual still had to register in the jurisdiction of conviction, the court would have to determine under which tier the individual was subject to registration.

If an individual were notified by the MSP that the individual could be required to register in the State based on an out-of-state conviction or a federal conviction but failed to petition the circuit court within 30 days of receipt of the notification, that individual would be considered to have waived judicial review of the individual's requirements to register in the State. If an individual waived judicial review, the MSP would have to determine the individual's registration requirements.

Currently, the Act allows an individual who resides in the State to file a petition in the circuit court for an order allowing the individual to discontinue registration under the Act. The bill would extend this provision to include an individual who worked or studied in the State. This determination must include certain documentation, such as a statement identifying the offense for which discontinuation from registration is being requested. The bill would require an individual to include the determination of registration obligations for an out-of-state offense, if applicable.

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The court may grant a petition to discontinue registration under the Act under certain circumstances, including 1) if the petitioner is required to register based on an order of disposition entered under Section 18 of Chapter XIIA of the Probate Code² or 2) if the petitioner has not been convicted of any felony since the date of adjudication. The bill would delete these provisions. It would provide that a petition could be granted if 25 years had passed since the petitioner's conviction for the listed offense.

Lastly, the bill would provide that certain provisions related to required reporting would apply only to those convicted after July 1, 2011. Currently, Tier III offenders must comply with reporting requirements for life. The bill would provide that a Tier III offender whose offense was committed *before* July 1, 2011, only would have to comply with these requirements for 25 years after the date of the offender's initial registration, or, if the individual were in a State correctional facility, for 10 years after release from the State correctional facility, whichever was longer.

MCL 28.724 et al. Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a minimal fiscal impact on the MSP. It would likely increase costs for courts in the form of hearing costs to an unknown degree. It is not known how many individuals would petition for hearing under the language of the bill. For comparison, as of 2024, there were over 40,000 registered sex offenders residing in the State.

Fiscal Analyst: Bruce R. Baker Michael Siracuse

 $^{^2}$ Generally, Chapter XIIA of the Probate Code concerns the jurisdiction of the court in, as well as procedures and disposition for, cases involving minors. Section 18 details the disposition a court may order for a case involving a minor.

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