

# Sex Offender Registry

## Summary of Legislation

### Federal Laws

- 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 USC 14071 et seq.)
- Requires states to establish specific requirements for persons convicted of certain crimes against minors and convicted of sexually violent offenses or to incur a 10% reduction in Byrne Formula Grant Funding.
  - Michigan's allocation is approximately \$15 million annually, distributed to each county by formula.
- 1996 Megan's Law (amendment of Wetterling Act)
- Provides that information gathered by a state registration program might be disclosed for any purpose permitted under the laws of the state.
- 1996 Pam Lychner Act (amendment of Wetterling Act)
- Requires a lifetime registration requirement for certain serious offenders and recidivists.
- 1998 Appropriations Act for the Departments of Commerce, Justice, State and Judiciary (FY1998)
- Makes registration based on a range of offenses specified by state law. The offenses must be comparable to or exceed the range of offenses described in the Jacob Wetterling Act.
- 2000 Jeanne Clery Disclosure of Campus Security Police and Campus Crime Act (20 USC 1092 (f))
- Requires colleges and universities to notify the campus community where information on registered sex offenders on campus can be obtained.
    - An amendment to the Campus Awareness and Campus Security Act of 1990, which makes any crime that happens on or around a college campus public information.
- 2003 Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act
- Requires states to maintain a website containing registry information and requires the Department of Justice to maintain a website with links to each state's website.

2006 Adam Walsh Child Protection and Safety Act

- Created a new baseline standard for jurisdictions to implement regarding sex offender registration and notification.
- Expanded the definition of “jurisdiction” to include federally recognized Indian tribes and expanded the number of sex offenses that must be captured by registration jurisdictions.

2006 Keeping the Internet Devoid of Predators (KIDS) Act

- Amended the Adam Walsh Act to require registration jurisdictions to register internet identifiers and to exempt internet identifiers from disclosure on any registration jurisdiction’s public sex offender registry website.

## State Laws

1994-95 Michigan Sex Offenders Registration Act (Public Acts 286, 287, 294 and 355 of 1994)

- Requires registration and change of address for persons convicted of certain sexual offenses or who are under the supervision of the Michigan Department of Corrections for these offenses after October 1, 1995, including juveniles.
- Requires that addresses be registered with local law enforcement.
- Sets a minimum registration of 25 years, and a lifetime registration for second or subsequent offenses.
- Sets a four-year felony for failure to comply with registration requirements.
- Makes information only available to law enforcement and exempt from Freedom of Information Act requests.

1996 Michigan’s Sex Offenders Registration Act (Public Act 494 of 1996)

- Makes the names on the registry available to the public via local law enforcement agencies.

1999 Michigan’s Sex Offenders Registration Act (Public Act 85 of 1999)

- Makes the Public Sex Offender Registry available on the Internet.
- Expands the offenses requiring registration on the list.
- Requires offenders to register a current address for 25 years after conviction or a ten-year minimum measured from the date the person was released from prison and placed on parole, supervised release or probation, whichever is longer.
- Requires sex offenders on the Michigan registry who move to another state to report their change of address to the Michigan State Police and to comply with the registration requirements of the new state of residency.
- Requires registrants to verify their addresses with local law enforcement four times per year if registered for one or more of the felony listed offenses, and

one time per year if registered for one or more of the misdemeanor listed offenses.

- 2002 Michigan's Sex Offenders Registration Act (Public Act 542 of 2002)
- Requires sex offenders to provide information to local law enforcement if the offender is working, volunteering or attending an institution of higher learning.
- 2004 Michigan's Sex Offenders Registration Act (Public Act 240 of 2004)
- Makes changes to the Sex Offender Registration (SOR) Act registration requirements for juveniles, ages 13 to 16, and participants in the Holmes Youthful Trainee Act (HYTA), ages 17 to 21, convicted of certain sex offenses. (HYTA allows individuals ages 17 to 21, convicted of a criminal offense, to participate in a probation program. If they comply with the program, the conviction does not appear on their public criminal history.)
  - Requires a person assigned to HYTA before Oct. 1, 2004, to comply with the sex offender registration requirements and remain on the sex offender registry. These individuals may petition the court for a reduced registration period of ten years. Persons assigned to HYTA after Oct. 1, 2004, are not required to be on the public sex offender registry.
  - Makes juveniles, ages 13 to 16, convicted of certain sexual offenses remain on the non-public registry until his/her 18<sup>th</sup> birthday, unless ordered by the court to remain on the registry for a longer period.
- 2004 Michigan's Sex Offenders Registration Act (Public Act 239 of 2004)
- Makes revisions to the Holmes Youthful Trainee Act (HYTA) as it relates to sex offenses.
  - Removes the registration requirement for offenders who are convicted under HYTA after October 1, 2004, unless HYTA status is revoked and an adjudication of guilt is entered.
- 2004 Michigan's Sex Offenders Registration Act (Public Act 237 of 2004)
- Requires individuals convicted of an offense listed under the Sex Offenders Registration (SOR) Act to pay a one-time \$35 registration fee.
  - Makes refusing or failing to pay either fee a misdemeanor punishable by imprisonment for up to 90 days.
  - Requires courts, local law enforcement agencies, sheriff's departments, or Michigan State Police (MSP) posts to collect the fees.
  - Creates the Sex Offender Registration Fund, maintained by MSP, to be used for training concerning registry and the maintenance and automation of the databases, compilation and information required under the SOR Act.
  - Provides that money in the Sex Offender Registration Fund at the end of a fiscal year remain in the fund and not lapse into the General Fund.
  - Requires the \$35 registration fee be distributed in the following way:
    - \$25 to the Sex Offenders Registration Fund
    - \$10 to the collecting agency

- 2004 Michigan's Sex Offenders Registration Act (Public Act 238 of 2004)
- Requires the public sex offender registry to include the photograph of each individual registered under the Sex Offenders Registration Act.
  - States the Michigan State Police may obtain photographs from the Secretary of State to fulfill this requirement.
- 2005 Michigan's Sex Offenders Registration Act (Public Act 127 of 2005)
- Prohibits convicted sex offenders from working or loitering within a student safety zone which is defined as the area that lies 1,000 feet or less from school property.
  - Includes several exceptions such as offenders who worked within the student safety zone prior to the effective date and offenders who intermittently or sporadically enter a zone for the purposes of work.
- 2005 Michigan's Sex Offenders Registration Act (Public Act 121 of 2005)
- Prohibits convicted sex offenders from residing within a student safety zone which is defined as the area that lies 1,000 feet or less from school property.
  - Includes several exceptions such as offenders who worked or resided within a student safety zone before the effective date, offenders who are incarcerated at a facility within the zone, and offenders who are patients at a facility within the zone.
- 2005 Michigan's Sex Offender Registration Act (Public Act 126 of 2005)
- Amends the Code of Criminal Procedure to allow a sentencing court to place an individual convicted of a listed sex-offense on probation for no less than five years
  - Requires the court to order an individual on probation not to reside, work, or loiter within a student safety zone.
  - Does not apply to offenders who have successfully completed Holmes Youthful Trainee Status (HYTA) and offenders' whose offense was an age only/consensual offense.
- 2005 Michigan's Sex Offender Registration Act (Public Act 132 of 2005)
- Modifies the penalties for an offender who fails to verify their address either quarterly or annually as required from a 93-day misdemeanor to a graduated penalty.
    - For a first offense, the penalty remains a misdemeanor punishable by up to 93 days imprisonment and/or a fine of not more than \$1,000.
    - For a second offense, the penalty is a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$2,000.

- For a third offense or a subsequent violation, the penalty is a felony punishable by imprisonment for not more than four years and/or a fine of not more than \$2,500.

2006 Michigan's Sex Offenders Registration Act (Public Acts 46 and 402 of 2006)

- Required the Michigan State Police to notify, by electronic or computerized means, any member of the public who subscribed when a registered sex offender changes an address to a location within a zip code area designated by the subscriber and required the Michigan Department of Corrections to notify the appropriate sheriff's department or Michigan State Police post of registered sex offender's proposed place of residence prior to being released from a state correctional facility.

2011 Michigan's Sex Offenders Registration Act (Public Acts 17 and 18 of 2011)

- Amended to conform to the requirements of the federal Adam Walsh Child Protection and Safety Act of 2006.