



# MICHIGAN STATE POLICE LEGAL UPDATE

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## CRIMINAL LAW AND PROCEDURE MANUAL

The 2010 edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is available for purchase.

The manual is published by [Kendall Hunt Publishing Co.](#) Copies may be ordered by calling Kendall Hunt Customer Service at (800) 228-0810, or through their [online catalog](#) (search by title or ISBN: 978-0-7575-8710-8).

## STATUTES

### Sex Offenders Registration Act Amendments

Public Acts 17 and 18 of 2011 amended the Sex Offenders Registration Act (SORA), [MCL 28.721 to 28.736](#), bringing Michigan into compliance with the federal [Sex Offenders Registration and Notification Act](#).

### The Tier System

The amendments to the SORA require each offender to be placed into a tier classification. The Michigan State Police Sex Offender Registry and Enforcement Unit is responsible for determining an offender's tier classification based on the offense for which the offender was convicted of and certain prior convictions. The tier classification determines the length of time the offender is required to be registered ([MCL 28.725](#)) and the number of times the offender is required to verify each year ([MCL 28.725a](#)).

**Tier I** offenders are required to register for 15 years and must verify their address annually, within the first fifteen days of January.

**Tier II** offenders are required to register for 25 years and must verify their address twice

a year, within the first fifteen days of January and July.

**Tier III** offenders are required to register for life and must verify their address quarterly, within the first fifteen days of January, April, July, and October.

### The Reporting Requirements

[MCL 28.725](#) requires offenders who are residents of Michigan to report in person and notify law enforcement **immediately** (defined as three business days) **after** the offender does any of the following:

- Changes or vacates his or her residence or domicile.
- Changes place of employment or employment is discontinued.
- Enrolls as a student with an institution of higher education, changes campuses, or enrollment is discontinued.
- Changes his or her name.
- Intends to temporarily reside at any place other than his or her residence for more than seven days.
- Establishes any e-mail address, instant message address, or any other designations used in electronic communications.
- Purchases or begins to regularly operate any vehicle and when ownership or operation is discontinued.

In addition, [MCL 28.725](#) requires offenders who are residents of Michigan to report in person and notify law enforcement three days **prior** to changing their residence or domicile to another state. Offenders who are residents of Michigan must report in person and notify law enforcement 21 days **prior** to changing their residence or domicile to another country or travelling to another country for more than 7 days.

## Homeless Offenders

The amendments revised the definition of “residence” in [MCL 28.722](#) to address the issue of registering and verifying homeless offenders. The definition of “residence” now includes the statement, “If a person is homeless or otherwise lacks a fixed or temporary residence, residence means the village, city, or township where the person spends a majority of his or her time.” Homeless offenders are required to comply with the SORA, including address verification and the reporting requirements listed above.

## Employee Definition Includes Volunteers

[MCL 28.722](#) now defines “employee” as “an individual who is self-employed or works for any other entity as a full-time or part-time employee, contractual provider, or volunteer, regardless of whether he or she is financially compensated.” Accordingly, offenders who are unpaid volunteers are considered employees for purposes of the SORA and they are required to report this employment information to law enforcement, including changes to the place the offender volunteers and if the offender discontinues volunteering for the entity.

## Non-Residents

[MCL 28.723](#) provides that a nonresident who is convicted in Michigan of a listed offense on or after July 1, 2011, is required to register as an offender in Michigan. Nonresident offenders are not required to comply with the ongoing reporting requirements as long as the offender remains a nonresident and is not otherwise required to report under the SORA. A nonresident offender is also required to have a photograph taken as required by [MCL 28.725a](#).

[MCL 28.725\(2\)](#) requires nonresident offenders who work in Michigan to report in person and notify law enforcement of a change in place of employment or if employment is discontinued.

[MCL 28.724a](#) requires nonresident offenders who enroll with an institution of

higher education in Michigan to report in person and notify law enforcement within 10 days after they enroll as students, change campuses, or enrollment is discontinued.

## Penalties

[MCL 28.729](#) and [MCL 28.735](#) list the penalties for violation of the SORA. The amendments changed the penalties listed in [MCL 28.729](#) for violation of the reporting requirements. Now, **any offender who willfully violates the SORA is guilty of a felony, except:**

- Failure to verify address as required by [MCL 28.725a\(3\)](#) is punishable as a 2-year misdemeanor.
- Failure to sign registration forms as required by [MCL 28.727\(4\)](#) is punishable as a 93-day misdemeanor.
- Refusal or failure to pay registration fee as required by [MCL 28.725a\(6\)](#) or [MCL 28.727\(1\)](#) within 90 days of the date the individual registers is punishable as a 90-day misdemeanor.
- Failure to maintain a valid identification as required by [MCL 28.725a\(7\)](#) is punishable as a 2-year misdemeanor.
- Residing in a student safety zone in violation of [MCL 28.735](#) is punishable as a 1-year misdemeanor for first offense and a 2-year felony for a second or subsequent offense.
- Working or loitering within a student safety zone in violation of [MCL 28.734](#) is punishable as a 1-year misdemeanor for first offense and a 2-year felony for a second or subsequent offense.

Public Act 17 of 2011  
Public Act 18 of 2011

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