

Summary SORA reform House Bill 5679

Introduced March 17, 2020 by Rep. Lower

Referred to House Judiciary

DEFINITIONS

Line 2 - removes "aircraft" as a registerable vehicle

Line 8 – NOTE that those with a set-aside conviction is still registerable.

Line 19 – removes from the definition of "convicted" HYTA convicted before 10/2004 and convicted of another felony. NOTE: the effect of this change is very minor. Previous law allowed for anyone assigned HYTA prior to 10/2004 to petition off the registry; not all were able or successful. This change leaves all those on the registry and only alleviates SOR registration for someone assigned HYTA pre 10/2004 who subsequently is convicted of another non-SOR offense.

Line 23 – leaves certain juveniles over the age of 14 subject to registration.

Page 5:

Line 16 – removes definition of "Immediately" (within three business days)

Page 6:

Line 2 – adds definition of "Listed offender" means an individual convicted of an offense for which he or she was required to register under this act before July 1, 2011.

Page 12:

Line 1 – removes the "vessel" from the definition section.

REGISTRANTS

Line 4 – Adds Sec 2a (1) & (2) requiring that the tiering system established under 2011 PA 17 does NOT apply to listed offenders as of the date this amendatory act and requires within 60 days the tier classification to be removed from both the public and law enforcement database.

Page 13:

Line 11 – removes the recapture requirement for an individual who was previously convicted of a listed offense for which they didn't have to register and is convicted of ANY felony after 7/1/2011.

Page 16:

Line 27 – adds "not more than 7 days" to replace "immediately" as the timeline for registering an out-of-state probation or parole registrant.

Page 18:

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Line 13 – removes the recapture provision for an offender previously convicted of a listed offense who was not required to register and is subsequently convicted of ANY felony.

Page 19:

Line 1 – replace “immediately” with “not more than 7 days” timeline for registering one’s new or temporary domicile or place of work.

Line 9 – removes recapture provision for out-of-state offenses.

Page 20:

Line 17 - replace “immediately” with “not more than 7 days” timeline for students.

REGISTRANTS’ DUTIES

Page 21:

Line 9 – Adds registration options beyond in person to “or in another manner as prescribed by the department” and bifurcates the registry by excepting listed offenders identified in Sec. 2 (AND THEY LIKELY MEAN SECTION 2a SINCE SECTION 2 IS THE DEFINITION SECTION) which are the pre-2011 registrants; also replaces “immediately” with “not more than 7 days”.

Page 22:

Line 1 – defines “regularly operate” a vehicle as “to use as a primary vehicle on 10 or more days of a month”. THIS IS POORLY WRITTEN - ANY MONTH? ONE MONTH? ALL MONTHS?

Line 4 – requires registrant to report any change in domicile, work, or school within 10 days.

Line 10 – requires those required to be listed who are live out-of-state but work in-state to report any changes in employment with 7 days as opposed to “immediately”

Page 23:

Line 1 – replaces “immediately” with “not more than 7 days” as the timeline for the MDOC to notify local law enforcement when a registrant is transferred to a community residential program.

Line 11 – replaces “immediately” with “not more than 7 days” for a registrant to report an out-of-state domicile. (THIS SECTION ALSO DELINEATES “A LISTED OFFENDER” BIFURCATING POST AND PRE-AMENDATORY ACT REGISTRANTS)

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Line 22 – adds section requiring a listed offender to notify on a department-prescribed form not later than 10 days before moving to an out-of-state domicile and requiring the department to notify the appropriate agency in the new state.

Page 24:

Line 2 – adds the “other than s listed offender” referring to the pre-amendatory act registrants. This keeps the current registry rules in place for any new registrants, in here specifically the 21 day notice requirement for out-of-country travel or domicile. THIS SECTION RETAINS THE TIERING REQUIREMENTS.

Page 25:

Line 8 – removes the timing requirements as a result of the recapture provision removed throughout the bill

Line 21 – except for certain pre-amendment registrant, requires a pre-amendment listed offender to comply for 25 years after date of initial registration or for an incarcerated registrant, 10 years after release, whichever is longer.

Line 26 – pre-amendment registrants must register for life if convicted of the following offenses: MCL 750.520b including attempt or conspiracy to commit, 750.520c(1)(a), 750.349 victim under 18 including attempt or conspiracy to commit, 750.350, 750.145c(2)or(3), and for committing a subsequent listed offense after 10/1995 except for an offense committed before 9/1999 that was added after 9/1999.

DEPARTMENT NOTIFICATION

Page 27:

Line 7 – replaces “immediately” with “within 7 days” for MDOC to notify LE of a registrants release

Line 9 – requires that pre-amendment listed offenders whose offense are misdemeanors register annually between Jan. 1 and Jan. 15; for those with felonies between the 1st and 15th day of April, July, October, and January. Post-amendatory registrants retain the birthday month registration schedule.

Page 29:

Line24 - replaces “immediately” with “within 7 days” for a registrant to update photo

Page 31:

Line 13 – removes the requirement for homeless registrants to have a driver’s license or state ID and defines “homeless” for this section as “someone who lacks a fixed or temporary residence.”

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Line 21 – changes “immediately” to “not more than 7 days” for post-amendment registrants released from incarceration to have digitalized photo at SOS; pre-amendment registrants released from incarceration must have SOS photo taken not less than 10 days after release.

REGISTRATION INFORMATION

Page 34:

Line 8 – adds to the definition of phone number “routinely used” to mean “a primary phone number from which an individual makes and receives calls and text messages.”

Line 11 – requires post-amendatory registrants to report electronic messaging addresses defined as “routinely used refers to a primary electronic mail address or instant message address an individual uses for sending and receiving electronic mail or instant messages.”

Line 20 – removes aircraft and vessel as reportable vehicles and defines regularly operated as “to use as a primary vehicle in 10 or more day a month.”

Page 35

Line 27 – requires tier classification in registrants record only “if applicable” (post-amendment registrants)

LAW ENFORCEMENT DATABASE

Page 38:

Line 9 – repeats the “routinely used” definition for telephone numbers to mean “a primary phone number from which an individual makes and receives calls and text messages.”

Line 16 – repeats the definition for electronic addresses as “routinely used refers to a primary electronic mail address or instant message address an individual uses for sending and receiving electronic mail or instant messages.”

Line 24 –removes aircraft and vessel as reportable vehicles and defines regularly operated as “to use as a primary vehicle in 10 or more day a month.”

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Line 17 – adds “if applicable” when requiring tier identification

PUBLIC DATABASE

Page 40:

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Line 26 – requirement for primary vehicle defines regularly operated as “to use as a primary vehicle in 10 or more day a month.” THIS SECTION FAILS TO REMOVE “VESSEL” AND “AIRCRAFT”

Page 41:

Line 10 – requires tier classification only if applicable

Page 42:

Line 21 – excepts from the public database “a listed offender who was not required to be included on the public website before July 1, 2011”

VIOLATIONS OF SORA

Page 44:

Line 26 – adds “willfully” to the requirement that failure to comply is a criminal act

Page 45:

Line 27 – Removes the definition of “loiter”

Page 46:

Line 6 – changes the definition of “school property” to “means a building, playing field, or other property that is used for school purposes to impart instruction to children or used for functions and events sponsored by a school, designated by the school or school district as being school property.”

Line 18 – defines “school safety zone” as **school property and the area that lies 1,000 feet or less from the property line of the school property. The distance between a dwelling place or a place of work and a student safety zone must ne measured from the property line of a residence or a place of work and the property line of school property.**

Line 26 – prohibits a registrant from working or **residing** in a school safety zone

Line 28 – prohibits a registrant from “intentionally enter(ing) and remain(ing) on school property, except for an activity listed under subsection (4)” FOLLOWS

Page 47:

Line 26 – adds list of activities allowed by registrants on school property:

“a parent or legal guardian who is on school property while transporting his or her child to or from the child’s school or to or from an event sanctioned by the child’s school.”

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“a parent or legal guardian who is on school property attending an event sanctioned by his or her child’s school, if the parent’s or legal guardian’s child is participating in that event.”

a parent or legal guardian who is on school property for the purpose of meeting with an employee of the school regarding his or her child enrolled at the school.”

“an individual who only intermittently or sporadically enters a student safety zone for the purpose of work, unless the individual initiates or maintains contact with a minor.”