

MICHIGAN SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

31,045 as of January 1, 2003.

1. WHO IS REQUIRED TO REGISTER?

The following persons who are domiciled or temporarily reside in Michigan for 14 or more consecutive days, who work with or without compensation or are students in Michigan for 14 or more consecutive days, or who are domiciled, reside, or work with or without compensation or who are students in Michigan for 30 or more total days in a calendar year are required to be registered:

- (1) a person who is convicted of a listed offense after October 1, 1995;
- (2) a person convicted of a listed offense on or before October 1, 1995, if on October 1, 1995, he or she was on probation or parole, committed to jail, committed to the jurisdiction of the Michigan Department of Corrections, or under the jurisdiction of the Juvenile Division of the Probate Court or the Michigan Department of Social Services for the offense, or was placed on probation or parole, committed to jail, committed to the jurisdiction of the Michigan Department of Corrections, placed under the jurisdiction of the Juvenile Division of the Probate Court or Family Division of Circuit Court, or committed to the Michigan Department of Social Services or Family Independence Agency after October 1, 1995, for the listed offense;
- (3) a person convicted of an offense substantially similar to a listed offense under a law of the United States, any state, any country, or under tribal or military law, on or before October 1, 1995, if on October 1, 1995, he or she was on probation or parole that had been transferred to Michigan for the offense, or his or her probation or parole was transferred to Michigan after October 1, 1995, for the offense; or
- (4) a person from another state who is required to register or otherwise be identified as a sex offender, child offender, or predator under a comparable statute of that state.

(Mich. Comp. Laws § 28.273(1))

A person convicted of an offense added on September 1, 1999, to the definition of listed offense is not required to be registered solely because of the listed offense unless one of the following applies:

- (1) the person is convicted of the listed offense on or after September 1, 1999;
- (2) on September 1, 1999, the person was on probation or parole, committed to jail, committed to the jurisdiction of the Michigan Department of Corrections under the jurisdiction of the Family Division of Circuit Court, or committed to the Family Independence Agency for the offense, or the person was placed on probation or parole, committed to jail, committed to the jurisdiction of the Michigan Department of Corrections, placed under the jurisdiction of the Family Division of Circuit Court, or committed to the Family Independence Agency on or after September 1, 1999, for the listed offense;

- (3) on September 1, 1999, the person was on probation or parole for the listed offense, which had been transferred to Michigan, or the person's probation or parole for the listed offense was transferred to Michigan after September 1, 1999; or
- (4) on September 1, 1999, in another state or country the person was on probation or parole, committed to jail, committed to the jurisdiction of the Michigan Department of Corrections or a similar type of state agency under the jurisdiction of a court that handles matters similar to those handled by the Family Division of Circuit Court in Michigan, or committed to an agency with the same authority as the Family Independence Agency for the listed offense.

(Mich. Comp. Laws § 28.723(2))

2. WHAT DOES “LISTED OFFENSE” MEAN?

A “listed offense,” for purposes of sex-offender registration, means any of the following:

- (1) accosting, enticing, or soliciting a minor under 16, regardless of whether the offender knows the person is a minor or knows the actual age of the minor, or a person whom the offender believes is a minor under 16 with the intent to induce or force the minor or person to commit an immoral act, to submit to an act of sexual intercourse or gross indecency, or to any other act of depravity or delinquency, or who encourages a minor under 16, regardless of whether the offender knows the person is a minor or knows the actual age of the minor, or a person whom the offender believes is a minor under 16 years of age to engage in any of those acts;
- (2) persuading, inducing, enticing, coercing, causing, or knowingly allowing a minor to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material, or arranging for, producing, making, or financing, or attempting, preparing, or conspiring to arrange for, produce, make, or finance any child sexually abusive activity or child sexually abusive material;
- (3) distributing, promoting, financing the distribution or promotion of, or receiving for the purpose of distributing or promoting, or conspiring, attempting, or preparing to distribute, receive, finance, or promote any child sexually abusive material or child sexually abusive activity;
- (4) knowingly possessing any child sexually abusive material;
- (5) committing an abominable and detestable crime against nature, if the victim is under 18;
- (6) committing a third or subsequent violation of any combination of the following:
 - (a) engaging in indecent or obscene conduct in a public place;
 - (b) knowingly making any open or indecent exposure of one's person or the person of another; or
 - (c) violating a local ordinance of a municipality substantially corresponding to either (a) or (b) above;
- (7) except for a juvenile disposition or adjudication:
 - (a) being a male who, in public or in private, commits, is a party to the commission of, procures, or attempts to procure the commission by any male person of any act of gross indecency with another male person;
 - (b) being a female who, in public or in private, commits or is a party to the commission of, or any person who procures or attempts to procure the commission by any female person of any act of gross indecency with another female person; or
 - (c) being a male who, in public or in private, commits or is a party to the commission of any act of gross indecency with a female person;
if the victim is under 18;
- (8) willfully, maliciously, and without lawful authority forcibly or secretly confining or imprisoning any other person within Michigan against his or her will, forcibly carrying or

sending such person out of Michigan, or forcibly seizing, confining, inveigling, or kidnapping any other person with the intent to extort money or some other valuable thing or with the intent either to cause such person to be secretly confined or imprisoned in Michigan against his or her will or in any way held to service against his or her will, if the victim is under 18;

- (9) maliciously, forcibly, or fraudulently leading, taking, carrying away, decoying, or enticing away any minor under 14, with the intent to detain or conceal the minor from his or her parent or legal guardian, from the person or persons who have adopted him or her, or from any other person having the lawful charge of him or her;
- (10) being a person over 16, accosting, soliciting, or inviting another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, if the victim is under 18 years of age;
- (11) procuring a female inmate for a house of prostitution;
- (12) inducing, persuading, encouraging, inveigling, or enticing a female person to become a prostitute;
- (13) causing, inducing, persuading, encouraging, taking, placing, harboring, inveigling, or enticing a female person, through promises, threats, or violence, or by any device or scheme, to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;
- (14) causing, inducing, persuading, encouraging, inveigling, or enticing, through promises, threats, violence, or by any device or scheme, an inmate of a house of prostitution or place of assignation to remain as an inmate;
- (15) taking, placing, harboring, inveigling, enticing, persuading, encouraging, or procuring, through promises, threats, violence, by any device or scheme, by fraud or artifice, by duress of person or goods, by abuse of any position of confidence or authority, or by having legal charge, any female person to enter any place within Michigan in which prostitution is practiced, encouraged, or allowed, for the purpose of prostitution;
- (16) inveigling, enticing, persuading, encouraging, or procuring any female person to come into Michigan or to leave Michigan for the purpose of prostitution;
- (17) taking or detaining a female person, upon the pretense of marriage, for the purpose of sexual intercourse;
- (18) receiving, giving, or agreeing to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into Michigan or leave Michigan for the purpose of prostitution;
- (19) committing criminal sexual conduct in the first, second, third, or fourth degree;
- (20) committing assault with the intent to commit conduct involving penetration;
- (21) violating any other law of Michigan or a local ordinance of a municipality that by its nature constitutes a sexual offense against a person under 18;
- (22) committing an offense when, at the time of the offense, the offender is a sexually delinquent person;
- (23) attempting or conspiring to commit an offenses listed in (1) through (22) above; or
- (24) committing an offense substantially similar to an offense listed in (1) through (23) above under a law of the United States, any state, or any country, or under tribal or military law.

(Mich. Comp. Laws § 28.722(e))

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

The information provided below is a sampling of the juvenile offenders required to register in Michigan. This list is not exhaustive.

The following juveniles who are domiciled or temporarily reside in Michigan for 14 or more consecutive days, who work with or without compensation, or are students in Michigan for 14 or more

consecutive days, or who are domiciled, reside, or work with or without compensation or who are students in Michigan for 30 or more total days in a calendar year are required to be registered:

- (1) a juvenile who is convicted of a listed offense after October 1, 1995;
- (2) a juvenile convicted of a listed offense on or before October 1, 1995, if on October 1, 1995, he or she was under the jurisdiction of the Juvenile Division of the Probate Court or the Michigan Department of Social Services for the offense or was placed under the jurisdiction of the Juvenile Division of the Probate Court or Family Division of Circuit Court, or committed to the Michigan Department of Social Services or Family Independence Agency after October 1, 1995, for the listed offense; or
- (3) a juvenile from another state who is required to register or otherwise be identified as a sex offender, child offender, or predator under a comparable statute of that state.

(Mich. Comp. Laws § 28.273(1))

A juvenile convicted of an offense added on September 1, 1999, to the definition of listed offenses is not required to be registered solely because of the listed offense unless one of the following applies:

- (1) the juvenile is convicted of the listed offense on or after September 1, 1999;
- (2) on September 1, 1999, the juvenile was under the jurisdiction of the Family Division of Circuit Court, committed to the Family Independence Agency for the offense, was placed under the jurisdiction of the Family Division of Circuit Court, or committed to the Family Independence Agency on or after September 1, 1999, for the listed offense; or
- (3) on September 1, 1999, in another state or country, the juvenile was under the jurisdiction of a court that handles matters similar to those handled by the Family Division of Circuit Court in Michigan or committed to an agency with the same authority as the Family Independence Agency for the listed offense.

(Mich. Comp. Laws § 28.723(2))

4. WHEN MUST AN OFFENDER REGISTER IN MICHIGAN?

A person convicted of a listed offense in Michigan after October 1, 1995, must register before sentencing, entry of the “Order of Disposition,” or assignment to “youthful-trainee” status.

(Mich. Comp. Laws § 28.724(5))

5. WHO IS RESPONSIBLE FOR REGISTERING OFFENDERS?

A. Persons Convicted of a Listed Offense on or before October 1, 1995

Persons convicted of a listed offense on or before October 1, 1995, who on or before October 1, 1995, were sentenced for the offense, must have been registered by the following persons or agencies by December 31, 1995:

- (1) if the person was on probation for the listed offense, his or her probation officer;
- (2) if the person was committed to jail for the listed offense, the sheriff or the sheriff's designee;
- (3) if the person was under the jurisdiction of the Michigan Department of Corrections for the listed offense, the Department of Corrections;
- (4) if the person is on parole for the listed offense, his or her parole officer;
- (5) if the person is within the jurisdiction of the Juvenile Division of the Probate Court or the Michigan Department of Social Services under an “Order of Disposition” for the listed offense, the Juvenile Division of the Probate Court or the Michigan Department of Social Services.

(Mich. Comp. Laws § 28.724(2))

B. Persons Convicted of a Listed Offense after October 1, 1995

If a person is sentenced for the listed offense after October 1, 1995, or assigned to “youthful-trainee” status after October 1, 1995, the probation officer must register him or her before sentencing or assignment.

(Mich. Comp. Laws § 28.724(3)(a))

If a person is placed within the jurisdiction of the Juvenile Division of the Probate Court or the Family Division of Circuit Court or is committed to the Michigan Department of Social Services or the Family Independence Agency under an “Order of Disposition” entered after October 1, 1995, the Juvenile Division of the Probate Court or the Family Division of Circuit Court must register him or her before the “Order of Disposition” is entered.

(Mich. Comp. Laws § 28.724(3)(c))

C. Persons Convicted on or before September 1, 1999, of a Newly Added Offense

For a person convicted on or before September 1, 1999, of an offense that was added on September 1, 1999, to the listed offenses, the following persons or agencies must register him or her:

- (1) if the person was on probation or parole on September 1, 1999, for the listed offense, his or her probation or parole officer no later than September 12, 1999;
- (2) if the person was committed to jail on September 1, 1999, for the listed offense, the sheriff or the sheriff’s designee no later than September 12, 1999;
- (3) if the person was under the jurisdiction of the Michigan Department of Corrections on September 1, 1999, for the listed offense, the Michigan Department of Corrections no later than November 30, 1999;
- (4) if the person was within the jurisdiction of the Family Division of Circuit Court or committed to the Family Independence Agency or County Juvenile Agency on September 1, 1999, under an “Order of Disposition” for the listed offense, the Family Division of Circuit Court, the Family Independence Agency, or the County Juvenile Agency no later than November 30, 1999.

(Mich. Comp. Laws § 28.724(4))

D. Persons Convicted after September 1, 1999, of a Newly Added Offense

If the person is sentenced or assigned to “youthful-trainee” status for the listed offense after September 1, 1999, the probation officer must register him or her before sentencing or assignment.

(Mich. Comp. Laws § 28.724(4)(e))

If the person is placed within the jurisdiction of the Family Division of Circuit Court or committed to the Family Independence Agency for the listed offense after September 1, 1999, the Family Division of Circuit Court must register him or her before the “Order of Disposition” is entered.

(Mich. Comp. Laws § 28.724(4)(g))

6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

The registration form must contain all of the following information:

- (1) the offender’s:
 - (a) name;
 - (b) social-security number;

- (c) date of birth; and
- (d) address or expected address;
- (2) a brief summary of the offender's conviction(s) for listed offenses, regardless of when the conviction(s) occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense;
- (3) a complete physical description of the offender;
- (4) a digitized photograph of the offender; and
- (5) the offender's fingerprints, if not already on file with the Michigan Department of State Police.

(Mich. Comp. Laws § 28.727(1))

The registration may contain the offender's blood type and whether a deoxyribonucleic acid (DNA) identification profile is available.

(Mich. Comp. Laws § 28.727(2))

7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

Within 10 days of:

- (1) any change of residence, domicile, or place of work or education;
- (2) parole; or
- (3) final release for the jurisdiction of the Michigan Department of Corrections,

an offender must notify the local law-enforcement agency or sheriff's department having jurisdiction where his or her new residence or domicile is located or the Michigan Department of State Police of his or her new residence or domicile.

(Mich. Comp. Laws § 28.725(1))

8. WHAT HAPPENS IF AN OFFENDER MOVES FROM MICHIGAN TO ANOTHER STATE?

An offender must notify the Michigan Department of State Police on a form proscribed by the Department of State Police no later than 10 days before he or she changes his or her domicile or residence to another state. The offender must indicate the new state and, if known, the new address. The Michigan Department of State Police must update the registration and compilation databases and promptly notify the appropriate law-enforcement agency and any applicable sex- or child-offender registration authority in the new state.

(Mich. Comp. Laws § 28.725(3))

If the probation or parole of an offender is transferred to another state or a registrant is transferred from a state correctional facility to any correctional facility, probation, or parole in another state, the Michigan Department of Corrections must promptly notify the Michigan Department of State Police, the appropriate law-enforcement agency, and any applicable sex- or child-offender registration authority in the new state. The Michigan Department of State Police must update the registration and compilation databases.

(Mich. Comp. Laws § 28.725(4))

9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO MICHIGAN REQUIRED TO REGISTER?

If an offender's probation or parole is transferred to Michigan after October 1, 1995, the probation or parole officer must register him or her within 14 days after the transfer.

(Mich. Comp. Laws § 28.724(3)(b); § 28.724(4)(f))

A person convicted in another state or country after October 1, 1995, of a listed offense as defined before September 1, 1999, must register with the local law-enforcement agency, sheriff's department, or the Michigan Department of State Police within 14 days after becoming domiciled or temporarily residing, working, or being a student in Michigan if:

- (1) he or she:
 - (a) is domiciled or temporarily resides in Michigan for 14 or more consecutive days;
 - (b) works with or without compensation or is a student in Michigan for 14 or more consecutive days; or
 - (c) is domiciled, resides, or works with or without compensation or is a student in Michigan for 30 or more total days in a calendar year; and
- (2) he or she:
 - (a) was convicted in another state or country after October 1, 1995, of a listed offense as defined before September 1, 1999;
 - (b) was convicted in another state or country of an offense added after on September 1, 1999, to the definition of listed offenses; or
 - (c) was required to be registered as a sex offender in another state or country regardless of when the conviction was entered.

(Mich. Comp. Laws § 28.724(6))

10. IS REGISTRATION A LIFETIME REQUIREMENT?

An offender must register for life if he or she is convicted of any of the following, or a substantially similar offense under a law of the United States, any state, or any country, or under tribal or military law:

- (1) criminal sexual conduct in the first degree;
- (2) engaging in sexual contact with another person under 13;
- (3) confining or kidnapping a person against his or her will, if the victim is under 18;
- (4) taking or enticing away a minor under 14;
- (5) persuading, inducing, enticing, coercing, causing, or knowingly allowing a minor to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material;
- (6) arranging for, producing, making, or financing, or attempting, preparing, or conspiring to arrange to produce, make, or finance any child sexually abusive activity or child sexually abusive material;
- (7) distributing, promoting, or financing the distribution or promotion of, or receiving for the purpose of distributing or promoting, or conspiring, attempting, or preparing to distribute, receive, finance, or promote any child sexually abusive material or child sexually abusive activity;
- (8) attempting or conspiring to commit an offense listed in (1) through (7) above; or
- (9) committing a second or subsequent listed offense after October 1, 1995, regardless of when any earlier listed offense was committed.

(Mich. Comp. Laws § 28.725(7))

Most other offenders must comply with the registration requirements for 25 years after the date of initially registering or, if he or she is in a state correctional facility, for 10 years after release from the facility, whichever is longer.

(Mich. Comp. Laws § 28.725(6))

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

An offender who is required to be registered and who willfully violates the registration requirements is guilty of a felony punishable as follows:

- (1) by no more than four years imprisonment, a fine of no more than \$2,000, or both if the offender has no prior convictions for a violation of the registration requirements other than those required for address verification;
- (2) by no more than seven years imprisonment, a fine of no more than \$5,000, or both if the offender has one prior conviction for a violation of the registration requirements other than those required for address verification; or
- (3) by no more than 10 years imprisonment, a fine of no more than \$10,000, or both if the offender has two or more prior convictions for violations of the registration requirements other than those required for address verification.

(Mich. Comp. Laws § 28.729(1))

A person who fails to comply with address verification requirements is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, a fine of no more than \$1,000, or both.

(Mich. Comp. Laws § 28.729(2))

A person who willfully fails to sign a registration form, notice, or verification is guilty of a misdemeanor, punishable by imprisonment for no more than 93 days, a fine of no more than \$1,000, or both.

(Mich. Comp. Laws § 28.729(3))

The court will revoke the probation of an offender who willfully violates the Michigan Sex Offenders Registration Act.

(Mich. Comp. Laws § 28.729(4))

The court will revoke the “youthful-trainee” status of an offender who willfully violates the Michigan Sex Offenders Registration Act.

(Mich. Comp. Laws § 28.729(5))

The parole board will rescind the parole of an offender who willfully violates the Michigan Sex Offenders Registration Act.

(Mich. Comp. Laws § 28.729(6))

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The public-at-large has access to the offender's:

- (1) name and any aliases used;
- (2) address;
- (3) physical description;
- (4) birth date;
- (5) any listed offense of which he or she has been convicted; and
- (6) name and campus location of each institution of higher education to which he or she is required to report.

(Mich. Comp. Laws § 28.728(2))

While this information is available via the Internet, a Michigan Department of State Police post, local law-enforcement agency, or sheriff's department must also make the information available, in whole or in part, for public inspection during normal business hours.

(Mich. Comp. Laws § 28.730(2))

Generally speaking, information related to juvenile dispositions is not made available to the public; however, this exclusion for juvenile dispositions does not apply to a disposition for committing criminal sexual conduct in the first or second degree after the offender turns 18.

(Mich. Comp. Laws § 28.728(2))

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Michigan Sex Offender Registry is available online at <http://www.mipsor.state.mi.us/>. The registry can be searched by zip code, name, or age.

Information available includes the offender's:

- (1) name;
- (2) sex;
- (3) race;
- (4) date of birth;
- (5) height and weight;
- (6) hair and eye color;
- (7) address; and
- (8) offense(s).

14. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

A person other than the registered offender who knows of a registration under the Michigan Sex Offenders Registration Act, and who divulges, uses, or publishes nonpublic information concerning the registration in violation of the Michigan Sex Offenders Registration Act, is guilty of a misdemeanor, punishable by imprisonment for no more than 90 days, a fine of no more than \$500, or both.

(Mich. Comp. Laws § 28.730(4))

An offender whose registration is revealed in violation of the Michigan Sex Offenders Registration Act has a civil cause of action against the responsible party for treble damages.

(Mich. Comp. Laws § 28.730(5))