

# HOUSE BILL No. 5146

August 29, 2007, Introduced by Reps. Meltzer, Calley, Stahl, Rocca, Knollenberg, Garfield, Nitz, Steil, Wenke, Elsenheimer, Huizenga, Emmons, Hune, Virgil Smith, Gaffney, Marleau, Sheen and Meekhof and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending section 9 (MCL 28.729), as amended by 2005 PA 132.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9. (1) Except as provided in subsections (2) ~~7~~ **AND** (3),  
2 ~~and (4)~~, an individual required to be registered under this act who  
3 willfully violates this act is guilty of a felony punishable as  
4 follows:

5           (a) If the individual has no prior convictions for a violation  
6 of this act, ~~other than a failure to comply with section 5a~~, by  
7 imprisonment for not more than 4 years or a fine of not more than  
8 \$2,000.00, or both.

9           (b) If the individual has 1 prior conviction for a violation

1 of this act, ~~other than a failure to comply with section 5a,~~ by  
2 imprisonment for not more than 7 years or a fine of not more than  
3 \$5,000.00, or both.

4 (c) If the individual has 2 or more prior convictions for  
5 violations of this act, ~~other than a failure to comply with section~~  
6 ~~5a,~~ by imprisonment for not more than 10 years or a fine of not  
7 more than \$10,000.00, or both.

8 ~~—— (2) An individual who fails to comply with section 5a, other~~  
9 ~~than payment of the fee required under section 5a(7) is guilty of a~~  
10 ~~crime punishable as follows:~~

11 ~~—— (a) If the individual has no prior convictions for a violation~~  
12 ~~of this act, the individual is guilty of a misdemeanor punishable~~  
13 ~~by imprisonment for not more than 93 days or a fine of not more~~  
14 ~~than \$1,000.00, or both.~~

15 ~~—— (b) If the individual has 1 prior conviction for a violation~~  
16 ~~of this act, the individual is guilty of a misdemeanor punishable~~  
17 ~~by imprisonment for not more than 1 year or a fine of not more than~~  
18 ~~\$2,000.00, or both.~~

19 ~~—— (c) If the individual has 2 or more prior convictions for a~~  
20 ~~violation of this act, the individual is guilty of a felony~~  
21 ~~punishable by imprisonment for not more than 4 years or a fine of~~  
22 ~~not more than \$2,500.00, or both.~~

23 (2) ~~(3)~~ An individual who willfully fails to sign a  
24 registration, notice, or verification as provided in section 7(4)  
25 is guilty of a misdemeanor punishable by imprisonment for not more  
26 than 93 days or a fine of not more than \$1,000.00, or both.

27 (3) ~~(4)~~ An individual who willfully refuses or fails to pay

1 the registration fee prescribed in section 5a(7) or section 7(1)  
2 within 90 days of the date the individual reports under section 4a  
3 or 5a is guilty of a misdemeanor punishable by imprisonment for not  
4 more than 90 days.

5 (4) ~~(5)~~—The court shall revoke the probation of an individual  
6 placed on probation who willfully violates this act.

7 (5) ~~(6)~~—The court shall revoke the youthful trainee status of  
8 an individual assigned to youthful trainee status who willfully  
9 violates this act.

10 (6) ~~(7)~~—The parole board shall rescind the parole of an  
11 individual released on parole who willfully violates this act.

12 (7) ~~(8)~~—An individual's failure to register as required by  
13 this act or a violation of section 5(1), (3), or (4) may be  
14 prosecuted in the judicial district of any of the following:

- 15 (a) The individual's last registered address or residence.  
16 (b) The individual's actual address or residence.  
17 (c) Where the individual was arrested for the violation.

18 Enacting section 1. This amendatory act does not take effect  
19 unless all of the following bills of the 94th Legislature are  
20 enacted into law:

21 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5134(request no.  
22 01169'07).

23 (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
24 01169'07 a).