

Dear Chairperson Filler and Representatives,

I had the opportunity to watch the last session of your committee during which HB 5679 was discussed. I found the presentations extremely informative and very moving. I had already developed opposition to HB 5679 as written based on my prior research.

That opposition was strengthened as I heard about the painful, perhaps unintended consequence of the Sex Offender Registry as implemented in Michigan on the children and families, as well as registrants. Individuals should not be subjected to a lifetime of suffering. If the registry is to be maintained, consistent with data it should be for a shorter time and provide a way off sooner to allow those with a clean record to move on.

One of the presenters referenced work done by an organization I was not familiar with, The American Law Institute, ALI. As I understand it this highly respected, qualified national council develops and recommends draft model laws based on evidence and experience to improve the justice system. I was able to review a summary of their current proposal relative to Sex Offender Registries and am including that summary for you.

I recognize this is a complex issue. The legislature MUST consider financial and human impact of maintaining the registry and the extensive list of crimes that require individual inclusion. If the goal is to keep Michigan safe and we have seriously dwindling resources for use to that effect, consider what experts nationwide are telling us-only the most egregious offenders should be on a registry. Further they recommend a law enforcement only registry not a public one that encourages ostracism and perhaps vigilantism and harms families.

I appreciate your work toward a resolution and I realize this must be hard. I hope you seriously revise HB 5679 in line with ALI or other Michigan work group recommendations.

I do not want my taxes wasted on ineffective legislation.

Cathryn Pawlusiak

Sex Offender Registry Policy American Law Institute (ALI) model law summary:

- A law-enforcement only registry (see ALI detail document that provides extensive research on recidivism and crime patterns and supports a law enforcement only registration system)

- No juvenile offenders (under the age of 18) shall be required to register with one exception for Sexual Assault with Aggravated Physical Force or Restraint is the offender was at least 16
- Limited Registerable offenses:
 - o Sexual Assault by Aggravated Physical force or Restraint
 - o Sexual Assault by Physical Force only when committed as a subsequent conviction for a felony sex offense
 - o Sexual Assault of an incapacitated person only when committed as a subsequent conviction for a felony sex offense
 - o Sexual Assault of a minor under the age of 12 when the offender is a degree older (i.e. more than five years)
 - o Sexual Assault of a minor 12 to 16 years of age when the offender is a degree older (i.e. more than five years)
 - o Incestuous sexual assault of a minor
- Out-of-state offenders are required to register only if the following conditions are met:
 - o Offender is required to register in the jurisdiction where offense was committed and
 - o The offense would be a registerable offense if committed in the jurisdiction where the offender is residing or is a student
- Prior to accepting a guilty plea and at time of sentencing, the sentencing judge shall inform the offender of all duties associated with registration, including the right to petition for relief
- Information required in registration:
 - o Name and alias, if any
 - o Social security number
 - o Residential address(es)
 - o Employment address(es)
 - o School address(es) o License plate number and description of vehicle regularly used
 - o On the part of LE, criminal offense for which the offense is registered
 - o Offenders criminal history

- o Homeless offenders shall report as much specificity as possible and update every 30 d
- Offender shall update in-person annually
- Any changes in information between annual updates can be made through US mail or internet notification, or any other accessible means of communication established by the jurisdiction, within five business days
- Length of registry requirement shall be 15 years beginning when offender is released from custody; if no term of incarceration the registration period commences on sentencing date
- The registrant shall be automatically released from registration obligation at 10 years if:
 - o The registrant successfully completes supervised release and
 - o Required sex offender treatment programs and
 - o Is not convicted of any additional sex offense

It is a misdemeanor offense if the registrant knowingly fails to register with an affirmative defense that circumstances were beyond the registrant's control

- Access to registry information is confidential except that it shall be made available to upon any law-enforcement request in connection with an investigation
- Unauthorized access to registry information is a misdemeanor offense and certain unauthorized disclosure is a felony offense
- The model law limits government action or government-imposed additional collateral consequences upon a registrant's employment, education, internet access, residence, community notification, etc. unless imposed by a sentencing judge after affording individual notice and opportunity to respond, with the requirement that such additional collateral consequence is in the interest of public safety
- Offender may petition the sentencing court for relief in whole or in part from registration obligations at any time with required notice to prosecutor

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