

May 5, 2020

Thank you for the opportunity to provide written testimony against HB 5679. My name is Cheryl Bouwman, and my son, Andrew Bouwman, is on the Michigan Sex Offender Registry.

As a 17-year-old boy in 2003, my son was sentenced to be a 25-year registrant. He was sentenced under Holmes Youthful Trainee Act (HYTA), and his file has been sealed. He initially was tiered with the lowest offenders but the changes to the Registry in 2011 changed his registry to lifetime. Although his file has been sealed for 17 years and he has no criminal record, he is now tiered with the most serious offenders for the rest of his life as the Registry stands now.

The State of Michigan Department of Corrections website states the following as the definition of Holmes Youthful Trainee Act, http://www.michigan.gov/corrections/1,1607,7-119-1441_1519---,00.html

*Holmes Youthful Trainee Act - State law allows a judge to place a youth between 17 and 20 who is alleged to have committed a crime and who has pleaded guilty to that crime to be placed in prison or on probation without a conviction to avoid a criminal record. Excluded from this program are youth who are charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense or a traffic offense. **This action protects the privacy of the offender while on trainee status. If the youth successfully completes the program, there is no criminal record. Imprisonment or probation cannot exceed three years.***

Holmes Youthful Trainee Status works to protect “the privacy of the offender,” and with successful completion there is no criminal record. My son receives no privacy on the Sex Offender Registry. Those sentenced under HYTA should not be on the public registry. The changes found in HB 5679 ignores those sentenced under HYTA and provides no protection. This must change.

The Michigan Sex Offender Registry was found unconstitutional, making amendment to the Registry necessary. The retroactive application of all of the amendments to those convicted before 2006 violates the United States Constitution’s rule against ex post facto laws. This retroactive application must be eliminated and those affected be placed back at the appropriate risk level based on the sentence to which was agreed upon by the prosecutors and courts – the people who were involved and understood each individual case. HB 5679 does not provide for the elimination of retroactive application.

I ask that you think of the young people in your life – they too could easily end up in the same situation as my son. One immature move was all it took and the price he has paid has been heartbreaking. The challenges he has faced with employment, relationships and housing are daily reminders that although my son has no criminal record, retroactive application has made his punishment a lifetime punishment.

I ask that HB 5679 be sent back for modifications to incorporate those changes necessary to make the Michigan Sex Offender Registry constitutional for the more than 44,000 people affected by this legislation. I appreciate your time and consideration, and am available for any additional information to help you in your decision-making process.

Respectfully yours,
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