

May 6, 2020

Re: House Bill 5679, Changes to Michigan's sex offense registration law

Dear House Judiciary Committee members:

Michigan's current sex offense registration law is long, complicated, and burdensome. In Federal Court it has been declared unconstitutional. One of the reasons the court gave is that it is ambiguous and unclear. As a member of a support group for people on Michigan's registry, their family and friends, it is common to hear people asking what the law is, fearing that they have, or will, inadvertently violate it, and some times do more than is required for fear of violating the law. Moreover, it is not a small thing to violate this law. It can be a felony. The punishment for violating the registry, whether willfully or accidentally, can be more than the punishment for the original offense.

Here are a few examples from our support group.

A mason in our group told his boss he could not work on property within 1,000 feet of a school. The law and HB 5679 says, it is ok to work "intermittently" and "sporadically" within a school zone. But who knows what this really means. One day at one job this man heard children playing. He walked around the corner and saw a school playground. He walked off that job site. Luckily, his skill was so much in demand he didn't lose his job.

One member of our group who works to change this law will not meet with his representatives in a coffee shop that is within 1,000 feet of a school. This may not meet the statute's prohibition against loitering near a school but he does not want to risk the chance. He says he knows people who have been charged for doing things like this.

The church that my husband and I attend is within 1,000 feet of a school athletic practice field. My son is on the registry. Our religion mandates attending Sunday service. I wonder, is it ok for my son to attend services with us. Even if it proves to be ok in court, he might first have been arrested, spent time in jail, and lost his job, before it was deemed to be ok. Is it worth the risk?

The ACLU, as part of the discovery for the Federal law suit, asked law enforcement around the state what the 1,000 foot rule means and got a huge range of answers. Even law enforcement doesn't know.

An example of unknowingly violating the law happened with a young member of our group who went back and forth between two different houses that his family lived in. He registered one of the houses. The police charged him with violating the registry. He did not know he could register two different addresses concurrently.

There is also the problem of this law being at times impossible to follow.

One member was in the hospital for more than 7 days. While he was lying there, trying to get better and not stress his heart, he had the added knowledge that he was in violation of the registry for not reporting his location in person at a police department.

Another member of our group had a degenerative disease. The last time we saw him he could barely walk from the car to the door of our meeting. He lived alone. How was he supposed to register? Yet, the law says everyone must register in person every time. Most must do this every three months and whenever any of numerous facts about them change.

The entire premise of this law is bad. The sex offense registry is interpreted by the public as telling them who to fear. Yet, over 90% of sexual offenses are committed by first time offenders (not on any registry). Research shows that public registries have not reduced sexual offending. Research shows low recidivism rates for sexual offenders, one of the lowest of any crime type. Research shows that if a person with a sexual offense has not committed another sexual offense after 15 years, he or she is no more likely to do so than any other ex-felon. In conclusion, if Michigan insists on have a useless public registry, the longest anyone should be on it is 15 years.

Yours truly,

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