

## Regarding Michigan's Sex Offender Registration Act

Michigan's Sex Offender Registration Act (SORA) was declared unconstitutional in 2015 by Federal District Judge Cleland. Michigan's legislature has not changed the law to make it conform Constitutionally.

On February 12, 2020 Judge Cleland gave the legislature 60 days after the judgment has been recorded (until approximately May 15) to reform the law, or his injunction will go into effect. The injunction states that the current SORA law may not be enforced on anyone whose sex offense was before April, 2011, and parts of the law will not be enforceable on any registrant. These parts are the 1,000 feet school exclusion zone, strict liability, registering internet identifiers, and registering vehicles.

As of now, there is no bill in the legislature. However, we are asking Michigan State Senators and Representatives to vote for constitutional changes to Michigan's SORA when given the opportunity.

What I, and we, want in a new SORA Law:

Our preference is for no SORA. Public sex offender registration laws have not been shown to improve public safety. They are also harmful to the people on them. As well as restricting reentry into community. (Reference Dr. Jill Levinson given to MI House Judiciary Committee in 5/6/2020 Hearing)

However, if there is new SORA legislation,

- Legally, it must not be punitive or it cannot include people who committed their crime in the past.
- It should register people for a maximum of 15 years, or less, post offense date – Researcher Karl Hanson has determined that a person with a sex offense who does not reoffend (with another sex offense) within 15 years, is no more likely to do so than any other ex-felon. (Reference Information given to MI House on in 5/6/20 Judiciary Committee Hearing)
- Additionally it needs to allow an early path off for registrants who can show they are not a danger.
- Re-registration should be no more difficult than re-registering a motor vehicle, i.e., it should be possible to re-register via mail or the Internet.
- The registry restricted to use by law enforcement only, not public.
- The registry not gather or include or display registrant's places of employment, business, contracting, public office, higher education, trade schools, occupational licenses, worship or volunteering.
- The registry not be used by law enforcement for GPS or electronic location monitoring without a warrant.
- GPS monitoring in whole should be looked at as it is a costly program to the State and Individual registrants with limited results. Holding the registrant in community contempt restricting reentry into society.
- Any registry needs to have punishment for misuse or harassment of registrants or revealing identity of a registrant on the registry, as was written into the original 1994 SORA law. (e.g.: 3<sup>rd</sup> party organizations)

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