



# MICHIGAN STATE POLICE LEGAL UPDATE

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## CRIMINAL LAW

### Sex Offenders Registration Act verification and annual registration fee requirements amended.

Public Act 149 of 2013, effective April 1, 2014, amended the Sex Offenders Registration Act, MCL 28.725a, by changing the verification schedules for all registered sex offenders ("offenders") and requiring offenders to pay an annual registration fee.

**Tier I** offenders shall report and verify registry information once each year during the offender's month of birth.

**Tier II** offenders shall report and verify registry information twice per year according to the following schedule:

<u>Birth Month</u>	<u>Reporting Month</u>
January	January and July
February	February and August
March	March and September
April	April and October
May	May and November
June	June and December
July	January and July
August	February and August
September	March and September
October	April and October
November	May and November
December	June and December

**Tier III** offenders shall report and verify registry information four times per year according to the following schedule:

<u>Birth Month</u>	<u>Reporting Month</u>
January	January, April, July, and October
February	February, May, August, and November
March	March, June, September, and December
April	January, April, July, and October
May	February, May, August, and November
June	March, June, September, and December
July	January, April, July, and October
August	February, May, August, and November

Tier III continued:

Birth Month    Reporting Month

September	March, June, September, and December
October	January, April, July, and October
November	February, May, August, and November
December	March, June, September, and December

MCL 28.725a(4) was amended to allow offenders to report any time during the month they are required to report and verify (i.e., no earlier than the first day or later than the last day of the month). Offenders whose registration period ends during the month in which they are required to report shall report during that month on or before the date their registration period expires.

Additionally, offenders are now required to pay an annual \$50 registration fee each year after their initial registration. The annual fee shall be paid at the time the offender reports in the first reporting month for that individual each year. For example, Tier III offenders whose birth month is May shall pay the annual fee in May 2014 (i.e., the first month they report this year), but in 2015 and subsequent years, the offender will pay the annual fee in February (i.e., the first reporting month for the individual year).

Offenders may prepay the annual \$50 registration fee up to a maximum of \$550; however, they are still required to report and verify regardless of whether they prepaid the annual fee. There is no proration of the annual fee for offenders whose requirement to report ends after the month in which the annual fee is due. MCL 28.725b(3) requires that the \$50 annual fee be waived for 90 days for indigent offenders. "Indigent" is defined in MCL 28.722(h).

The penalty provisions for violating the above requirements are contained in MCL 28.729. Willfully failing to report and verify as required is a 2-year misdemeanor. Willfully refusing or failing to pay the \$50 fee within 90 days of the due date is a 90-day misdemeanor.

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