

JJ 2011-004 Sex Offender Registration Changes August 2011

Field JJ Training Element/Job Aid



Change Summary

- Sex Offender Registration Act Change (1994 PA 295, MCL 28.721 effective July 1, 2011)
- Makes Michigan compliant with federal Adam Walsh Act
- Avoids Byrne Grant funding reduction
- Impacts sex offender registration policy-JJ2 263, JJ3 300
- Splits listed offenses into three tiers
- Allows youth to seek Romeo and Juliet status to avoid registration or petition for removal from registry



Juvenile Registration Requirements

- Effective July 1, 2011, registration required if:
 - Juvenile committed Tier III offense when 14 or older (Note 1)
 - Conviction occurs in adult court (Note 2)
 - Conviction occurs in a designated proceeding in a juvenile court (Note 3)
- Note 1: Registration not required if Romeo and Juliet status granted by court
- Notes 2,3: Register using adult rules in MCL



JJ2 263 Reporting by Tier

- Listed offenses now split into three Tiers (1, II, III)
- Tier I least severe, III most severe
- Tier I reports annually 1-15 January
- Tier II reports semiannually, 1-15 January and 1-15 July
- Tier III reports quarterly, 1-15 January, 1-15 April, 1-15 July, and 1-15 October
- Information requirements now larger; if information changes, must report immediately (within three business days)



JJ3 300 Offense Codes for Registration

- Table VI in JJ3 300 policy modified to focus on Tier III only
- Registration required if these offenses committed AND youth was 14 or above at time of offense AND Romeo and Juliet status has not been granted.



Romeo and Juliet Status Defined

- Two sets of criteria
- Criteria 1-Victim 13-16 years of age at time of offense, actor not more than four years older than victim, and conduct was consensual
- Criteria 2-Victim 16-17 years of age and victim was not under custodial authority of the actor



Actions to Seek Romeo and Juliet

- Must be determined/granted by a court
- Standard of proof-preponderance of evidence
- Rules of evidence except those relating to privileges and rape shield law do not apply
- Victim has right to attend, be heard, be silent or refuse to attend



Information Change Creating Need to Report

- Change of residence
- Change in place of employment or ending employment
- Enrollment in institution of high learning (or disenroll)
- Name change
- Temporary residence for more than seven days
- Establishing an email address
- Vehicle purchase, operation or discontinuing ownership or operation of a vehicle
- Plans to change residence to another state



Petitioning for Removal from Registry

- Immediate basis for petition includes:
 - Person is seeking or granted Romeo and Juliet
 - Under 14 at time of offense, adjudicated as juvenile
 - Offense no longer requires registration
- Must petition in county of adjudication
- Must serve the Prosecuting Attorney (PA) with petition
- PA must notify the victim, if there is a victim
- Victim has right to attend and make a statement

