POLICY

The juvenile justice specialist (JJS) must inform any youth who is subject to the Sex Offenders Registration Act of the obligation to register, verify registration when required, and make situational reports to the registering authority. The JJS must also inform each youth of the right to petition for removal from the sex offender registry. In cases where the JJS determines that a youth required to register has not been registered by the court, the JJS must seek clarification and obtain necessary registration documents from the court.

PURPOSE

To ensure the JJS assists each youth in fulfilling sex offender registration, verification, and reporting obligations.

PROCEDURE

JJM 300, Offense Class I-V & Sex Offender Registration Codes Exhibits VI-VIII, provides a list of tiered sex offenses and additional guidance on registration.

Any youth **convicted** as an adult for a tier I-III offense must be registered in accordance with Sex Offenders Registration Act, 1994 PA 295, MCL 28.723.

Note: For purposes of the Sex Offenders Registration Act, the definition of conviction is outlined in MCL 28.722(a).

The court is required under law to register a youth as a sex offender for **conviction** of certain offenses. Upon receipt of the case, the JJS must review the case to ensure that the ordered registration is correctly documented. The electronic case record must include a signed copy of the MSP RI-004, Michigan Sex Offender Registration/Verification Update form. The JJS is responsible for sending the form to the address at the bottom of the RI-004.

Michigan State Police forms related to sex offenders can be found on their department web site at http://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html

In cases where the JJS cannot verify that registration has occurred as ordered by the court, the JJS must seek clarification and obtain necessary documents from the court.

REGISTRATION REQUIREMENTS

Any youth **convicted** as an adult in circuit court must register in accordance with the adult registration rules in the Sex Offenders Registration Act, 1994 PA 295, MCL 28.723.

Any youth **convicted** in a designated proceeding in juvenile court must register in accordance with the adult registration rules in the Sex Offenders Registration Act, 1994 PA 295, MCL 28.723.

Note: Youth adjudicated in juvenile court, post December 31, 2020, are **not** required to register as sex offenders, in alignment with non-public record status of juveniles under MCL 712A.28(3).

SEX OFFENDER VERIFICATION AND REPORTING REQUIREMENTS

Youth in the community and non-secure placements that are required to register must comply with periodic verification and situational reporting requirements under state law. These requirements are explained on the Michigan Sex Offender Registration/Verification/Update (MSP RI-004). Verification will trigger the requirement to pay a $50 annual sex offender registration fee.

Note: The youth is responsible for payment of the annual sex offender registration fee.

PETITION FOR REMOVAL FROM THE SEX OFFENDER REGISTRY

A youth who is on the registry under any of the following circumstances may petition immediately for removal from the registry:

- Youth is seeking or is granted a Romeo and Juliet exemption; see *Romeo and Juliet Exemption Determination* section below.
- Youth was under 14 years of age at the time of the offense and adjudicated as a juvenile.

- Youth who were 14 years of age or older at the time of the offense and who were petitioned and adjudicated for a tier III offense, post December 31, 2020.
- Youth is on the registry for an offense that no longer requires registration (indecent exposure and offenses that are not tier III offenses); see JJM 300, Offense Class I-V & Sex Offender Registration Codes.

The petition must be filed in the county of adjudication/conviction. If the youth was convicted in another state or territory, the petition must be filed in the youth's county of residence.

The prosecuting attorney must be served with the petition.

A false statement in a petition is perjury.

If the victim is known, the prosecuting attorney must notify the victim.

The victim has the right to attend any hearing and make a statement. Victims cannot be required to attend a hearing against their own will.

The JJS must inform the youth of the above information. Further information regarding the eligibility of a youth filing a petition for exemption or removal from the public registry should be obtained by the youth from the local court and the Sex Offenders Registration Act, 1994 PA 295, MCL 28.728c.

ROMEO AND JULIET EXEMPTION DETERMINATION

The granting of a Romeo and Juliet exemption must be decided by a court. The court may hold a post-conviction, pre-sentencing hearing, or a post-adjudication, pre-disposition hearing to make a determination regarding the exemption.

The defendant must prove by a preponderance of the evidence that:

- The victim was between the ages of 13 and 16.
- The defendant or juvenile was not more than four years older than the victim.

- The sexual conduct was consensual.

The defendant may also assert status by proving by a preponderance of evidence that:

- The victim was 16 or 17 years of age and was not under the custodial authority of the defendant at the time of the violation.
- The victim consented to the conduct.

The rules of evidence, except those relating to privileges and the rape shield law (MCL 750.520j), do not apply at this proceeding.

The victim has the right to attend and be heard, to attend and be silent, or refuse to attend.

The court's decision is a final order, appealable by right to the Court of Appeals.

IDENTIFICATION CARDS

Any youth required to register as a sex offender must have a digitized driver's license or state identification card obtained from a Secretary of State office for identification. The address must match the current address listed on the registry.

When a youth is in a residential placement and does not have a state identification card, the JJS must provide the youth's certified birth record to the facility as needed to assist the youth in securing the state identification card. After the facility has assisted the youth with obtaining the card, the JJS must ensure the certified birth record is returned to the youth's case file. The original certified birth record must remain in the youth's case file until the case is closed.

For a youth in the community, the JJS must assist the youth in obtaining a state identification card; see JJM 430, Community Placement Services.

The registering authority is the law enforcement agency or sheriff's office having jurisdiction over the offender's residence, place of employment, institution of higher learning, or the nearest Michigan State Police post. The registering authority is where the $50 annual verification fee must be paid.

PAYMENT METHOD FOR STATE IDENTIFICATION CARDS

If a youth or family is unable to pay for a driver's license or state identification card, a Secretary of State *memo for department of state* form must be provided to the Secretary of State and completed by the JJS to bill the cost to MDHHS. The following code and template must be used:

- Program Unit Code.
- Accounting Template 491XX2053.

The JJS must submit this *memo* by fax to Revenue Management at (517) 335-3120. The JJS must also file a copy in the electronic case record.

LEGAL BASIS

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721, et seq.