

## Michigan Sex Offender Registry (SORA)

This is an act requiring defendants convicted of certain sex crimes to register on the list of known sex offenders known as SORA. Depending on what type of offense you were convicted of will determine whether you register on a public or non-public list, the duration of how long you have to be on the list, and how many times per year you have to verify your residence. Some sex offenses do not require registration.

### Public vs Non-public List

Some offenders are only required to register on a **non-public list**, meaning on law enforcement officials have access to the information. Most offenders have to register on a **public list**, meaning the information you have to provide (name, aliases, address, convicted offense, employment, duration of registration) is available to anyone who searches for sex offenders in a particular geographic location or for your name.

### The Tier System

Under the new SORA laws, the Michigan legislature demonstrated some wisdom in establishing a classification for sex offenses and sex offenders instead of lumping everyone and every offense under the same umbrella. The result was the creation of a three-tiered system, ranging from least to worst on the severity of the offense. The type of tier offense you were convicted of dictates the length of registration and its requirements as well as the procedures and eligibility for petitioning for removal.

#### Tier I

If you are convicted of any of the following offenses, you will be classified as a Tier I Sex Offender:

- Knowingly possessing sexually abusive material involving children
- Indecent exposure with fondling of self and if the victim is a minor
- Unlawful imprisonment or restraint of a minor
- Criminal Sexual Conduct (CSC) 4<sup>th</sup> Degree of a minor
- Assault with Intent to Attempt Sexual Assault of a minor
- Surveillance, dissemination, or transmission of any recording, photograph, or visual image of a minor that has a reasonable expectation of privacy

This list is non-public

Registration is required for 15 years with eligibility to petition for removal after 10 years

Residency must be verified once a year between January 1-15<sup>t</sup>

## Tier II

If you are convicted of any of the following offenses, you will be classified as a Tier II Sex Offender:

- Accosting, enticing, or soliciting a child less than 16 years old with the intent to induce or force that child to commit an immoral act
- Persuading, inducing, enticing, coercing, causing, or knowingly allowing a child to engage in sexually abusive activity for the purpose of producing sexually abusive material involving children
- Distributing, promoting, or financing the distribution or promotion of, or receiving any sexually abusive material involving children for the purposes of distributing or promoting such material
- Using the internet to solicit or commit an immoral act, except for violations under MCL 750.157c (coercing a minor to commit a felony)
- Sodomy against a minor, unless either of the following exist: 1) victim was between the ages of 13-16, victim consented, and victim was no more than a four-year age difference between victim and offender, or 2) victim was at least 17 years old, victim consented, and victim was not under the custodial authority of the offender
- Gross Indecency, where the victim is between the ages of 13-18 unless either of the following exist: 1) victim was between the ages of 13-16, victim consented, and victim was no more than a four-year age difference between victim and offender, or 2) victim was at least 17 years old, victim consented, and victim was not under the custodial authority of the offender
- Soliciting to commit prostitution with a minor
- Pandering (enticing a female to become a prostitute)
- CSC 2<sup>nd</sup> Degree, if the victim is at least 18 years old
- CSC 4<sup>th</sup> Degree if the victim is between the ages of 13-18
- Assault with the intent to commit or touch a victim between the ages of 13-18
- Convicted of a Tier I offense after previously being convicted of a Tier I offense

This list is a public list

Registration is required for 25 years

Residency must be verified twice a year: January 1-15 and July 1-15<sup>t</sup>

### **Tier III**

If you are convicted of any of the following offenses, you will be classified as a Tier III Sex Offender:

- Gross indecency between either males or females where complaining witness is less than 13 years old
- Gross Indecency between both males and females where complaining witness is less than 13 years old
- Kidnapping against a minor
- CSC 1<sup>st</sup> Degree (Does **not** apply where the complaining witness consented, the complaining witness is between 13-16 years old, and there is less than a four year age difference between the complaining witness and offender)
- CSC 2<sup>nd</sup> Degree where the complaining witness is less than 13 years old
- CSC 3<sup>rd</sup> Degree (Does **not** apply where the complaining witness consented, the complaining witness is between 13-16 years old, and there is less than a four year age difference between the complaining witness and offender)
- CSC 4<sup>th</sup> Degree where the offender is older than 17 and the complaining witness is less than 13 years old
- Assault with Intent to Commit Penetration (Does **not** apply where the complaining witness consented, the complaining witness is between 13-16 years old, and there is less than a four year age difference between the complaining witness and offender)
- Assault with Intent to Commit a Touch (sexual assault) where the complaining witness is less than 13 years old

This is a public list

Registration is required for LIFE

Residency must be verified four times a year: January 1-15, April 1-15, July 1-15, and October 1-15

### **Do Convictions for all Sex Crimes Require SORA Registration**

This is a frequently asked question and thankfully the answer is “No.” There are some offenses that you can be convicted of that do not put you on the list. These few options can be used as plea bargains, normally reserved for weak cases or where the victim is very reluctant or un-cooperative. An experienced Michigan sex crimes attorney knows which offenses these

are and can use weak spots in the case as leverage during plea negotiations to help keep a defendant from registering.

Being charged with any kind of sex crime can have long lasting impacts on your life and future. Not only will you be convicted of a felony and face serious prison time, but you may have to register as a sex offender under SORA possibly for the rest of your life. This affects your career prospects, where you live, where you work, and your community reputation. Many become frustrated as the system seemingly has installed a permanent roadblock preventing rehabilitation.

If you or someone you know has been charged with a sex crime, you need an experienced criminal defense lawyer with experience handling sex offenses. We can help you fight your case and keep you off the list. Call Austin Legal Services, PLC to speak to a sex crimes attorney today at (517) 614-1983.