

House Judiciary Committee - Testimony
Wednesday, May 13, 2020
HB 5679

Dear Committee Members,

I have been fighting the Sex Offender Registration Act since 2000 when my son, at the age of 17, pled guilty to 750.520g1a and was assigned to and successfully completed Holmes Youthful Trainee Act (HYTA). Due to this success he has never had a conviction on his record. The main intent of HYTA is to give youths a second chance at life, BUT under Michigan's SORA he was still required to register for 25 years and his legally non-public information was made VERY public for 10 years, thus taking away that second chance. After 10 years we were finally successful in getting him removed from Michigan's registry. Due to secondary websites he still suffers, occasionally, from having ever been on the registry.

All of that aside... there are MANY other individuals assigned to HYTA when they were young, and never having a conviction on their record, but yet are still required to register. **NO ONE, without a conviction on their record**, should be required to register and be publicly displayed as a convicted Sex Offender.

When I first got involved with this issue, 20 years ago, I naively thought "Surely they do not mean to register anyone without a conviction on their record. This is common sense. We can get the law changed... a year, tops". And yet here I am still advocating for those without a conviction on their record 20 years later. In my initial advocacy I discovered there were many other issues than just those without a conviction on their record.

When speaking of no conviction, I am talking about those assigned to HYTA and also those who have been successful getting their records set-aside. **If a court has determined that someone is worthy of having NO conviction on their record, be it HYTA or a set-aside, then they should also NOT be required to register.**

IF my son had stayed on the registry, in 2011 when the Tiers were introduced, he would have gone from 25 years to lifetime on the registry, just by virtue of the statute he pled to and the change in the law... not because he had been determined to be a higher risk to reoffend. Many of our members with no convictions had their duration changed in this way, with no regard to risk to re-offend.

This is just one of the many things that needs revision in HB 5679 to make it comply with the court orders and help make the registry reflective of only those who pose a serious threat to society.

All most registrants need is just an opportunity to prove that they are not a threat to society in order to be removed from registration requirements, and no provisions have been provided for that to take place in HB 5679. What better way to encourage good behavior than to have something registrants can work towards! In order to move on they need to be able to see the light at the end of the tunnel!

Sincerely,
Barb Lambourne
Coalition for a Useful Registry