

Dear Representatives of the Michigan House Judiciary Committee,
Ladies and Gentlemen:

This is a second addendum to my Written testimony sent for May 6th & 13th, 2020
Judiciary Committee hearings on HB 5679.

I would appreciate it if my name and contact information are kept in as much
confidence as possible.

I think that, from my reading of the House Bill 5679, it is a very poor bill that does
not address the many onerous problems with MISOR. I think that this bill needs to
be allowed to die in the Judiciary Committee or at least be postponed until after
the COVID crisis so that it can be properly debated with the parties concerned and
effected. Discussions between the ACLU MICH and State Agencies were fruitful to
establishing a more reasonable MISOR Law. I believe these discussions need be
allowed to continue to a reasoned Law.

For myself, and others, it leaves a series of 'ex post facto' punishments, likely
unconstitutional, that were not in place when I initially took plea. Among others
I would like to point out the following.

I respectfully offer Ladies and Gentlemen for your consideration the following:

>Yesterday I was looking about my County with an eye to purchase a house of my
own, rather than depending on whim of a landlord...as many landlords will cut
lose a registrant due to 'antipathy of a disfavored class' brought on by media
myth and popular misconception that is not based at all in any scientific basis. I
had found a place nearby my apartment which I then checked out online...only to
find on this realtor site a listing of MISOR Registrants in the neighborhood, myself
included. I believe this to be illegal under the MISOR LAW. I am not a lawyer,
however please read my thinking. To wit:

1994 SORA First Enacted:

- revealing registry information is a crime & a tort (treble damages);

The Practice of Listing Registrants on third party sites, or linking to the MISOR, to “out” Registrants ought to be put to a stop by Michigan State Police notifying those 3rd party sites.

➤In these Crisis times of record unemployment there is no good reason to publicly list a registrants place or address of employment or other identifying information of the registrants employer. Doing so makes it exceedingly difficult to find employment and thus the registrant becomes a financial drain on family and the State for support rather than being able to reintegrate fully into the community as a employed individual able to provide for their own support and that of their families. Many references from MIDOC support that employed individuals are less likely to commit any crime. Why else do Probation / Parole Officers insist on employment? To that end the following ought to be removed from MISOR. I have not had employment since 2011 despite seeking such.

- 1. An end to listing one’s place of employment.** Employers shy away from “negative connotation”. Not listing an employer’s phone number for the same reason. Many Registered Citizens obtaining a job have found that a coworker background checked and Googled them and spread the word to fellow workers and anomoniously to Employer (A personal experience more than once). This seemingly is an attempt to starve out Registered Citizens. Registered Citizens have the Right and the need to work to support our families and ourselves. Please reference:
 - Michigan Constitution Article 1 Section 16;
 - The Constitution of the United States “Cruel and Unusual Punishment” 8th Amendment.
- 2. Eliminate the Picture from MISO Registry, generally.** Enables shunning a form of torture (8th Amendment of the US Constitution). The Registry Pictures ought be eliminated for anyone whose conviction date was prior to that enactment, specifically. Those Pictures became law in 2004. Please reference:
 - Michigan Constitution Article 1 Section 10 “No...ex post facto law ... shall be enacted”.
 - Michigan Constitution Article 1 Section 16;

-The Constitution of the United States “Cruel and Unusual Punishment”.
8th Amendment.

- 3. The MISOR requirement that a 21 day notice be given to Law Enforcement by Registered Citizens if one is leaving the country for more than 7 days needs to be eliminated**, this effectively puts a stop to working offshore outside of US Waters, The US and Territories along with working on contract in other countries. One’s Management expects one to go to work “right now” if the employee or contractor is needed...Management will not give one leeway to wait 21 days to go to work. My medical work was as an essential person to shipboard operation. This Amendment to the MISOR Law ended for me a very nice career of working in the medical field shipboard out of the USA on ship crewed by men. (MISOR Amendments 2011) This apparently is used to inform Law Enforcement of whatever Country the Registrant wishes to visit or work in, ostentatiously to end “sex tourism”. There are no scientific facts or reasonable data surrounding support for this requirement only some mythical belief by individuals based upon ‘antipathy of a disfavored class’ that this goes on. Perhaps it does but likely not to any extent. And quite likely not by ex-sex offenders. All are being punished for the supposed possible prior actions, or imagined thoughts, of a few.

➤Additionally I bring to your attention the possibility that the annual fee seemingly violates the law for many Registrants prior to 2004 and/or 2013. And perhaps for all in its entirety. Reference Please:

-Michigan Constitution Article 1 Section 10 “No...ex post facto law ... shall be enacted” . ,

-Michigan Constitution Article 1 Section 21 “ No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.”.

2004 Amendments:

- **imposed registry fee, and made it a crime not to pay the fee.**

2013 Amendments:

- **impose annual fee.**

I pray that you keep the above in mind when considering HB 5679.

Sincerely,

Thomas Mercier