

May 26, 2020

RE: HB5679

Chairman Filler and members of the Judiciary Committee:

I oppose HB 5679. This bill does not change much about Michigan's sex offense registration act, in my opinion it is vital that the amendments to SORA fully address the Sixth Circuit findings. This law needs to be totally rewritten to address its many shortcomings. Judge Robert H. Cleland found Michigan's current registry law to be unconstitutional, and HB 5679 further complicates, rather than simplified, SORA.

- Inherent flaws – **current** registration length based on offense, NEW registration length **should be** based on risk and should be supported by evidence.
- **Current** registration offers NO "path off", a NEW registry **should offer** a way off. Otherwise we are punished after serving our sentences in sometimes cruel ways.
- School exclusion zones was a key focus of the Sixth Circuit courts finding that SORA is unconstitutional. Affecting where a registrants can live or work. I have a son in elementary school. I'm unable to support him at school in his education and after school activities/sporting events. The current registry impacts him (an innocent victim) and my other family members.
- Tier classification, The Sixth Circuit court found, "SORA ascribes and publishes tier classifications corresponding to the states "**estimation of present dangerousness without providing for any individualized assessment**"." As AG Nessel writes, "thus, the problem with tiers as outlined by the Sixth Circuit may remain unconstitutional for registrants moving forward."
- In person reporting – a burdensome process especially for those who must register for the rest of their lives. As found by the Sixth Circuit court, in person visits to law enforcement "appears to have NO relationship to public safety at all."

The current Law (in any form) will continue to punish me and 94% of the registrants after serving our sentences. Even though I have degrees (BBA / MSM) and 25 years' experience. It is difficult to maintain employment and to be able to support my son. Because of the SORA's negative impact.

In my opinion, a revised SORA should include:

- ~ A private registry, shorter registration periods.
- ~ No school exclusion zones.
- ~ An early path off the registry if you can show you no longer pose a danger.
- ~ Online reporting
- ~ Tier I registrants should not be on ANY registry.
- ~ Registrants should never be faced with Ex Post Facto once they have agreed to sentencing.
- ~ It *should not* be necessary to provide telephone/cell numbers, internet/email identifiers as I'm currently required to do. This only opens the registrant up to continued threats and harassment.

Again I will state, Michigan Legislators have had 4 years to address the current SORA shortcomings. It appears to me that HB5679 is being rushed just to have a response for Judge Cleland. Which will further complicate the unconstitutional nature of SORA.

Please take this time to re-write Michigan SORA to make it constitutional and addresses the known shortcomings.

Thank you for your consideration.

James C.