

# PETITIONING FOR REMOVAL FROM THE MICHIGAN SEX OFFENDER REGISTRY

Presentation provided by the Access to Justice Clinic at Thomas M. Cooley Law School

# Who is eligible to petition for removal?

- Offenders who engaged in consensual sexual activity with a teenaged victim less than four years younger than them.
  - (AKA Romeo & Juliet Offenders)
- Juvenile offenders under the age of 14 who are not tried as an adult.
- Juveniles in the 14-16 year old age group who were not tried as an adult AND did not commit a Tier III Offense.

# Who is eligible to petition for a shorter registration?

- **Juveniles** aged 14-16 who committed a **TIER III offense** and who **have not re-offended** are required to register for life on the non-public registry, but may petition for removal after **25 years**.
- **All TIER I offenses** are required to register for 15 years, but may petition for removal after **10 years** if they have **have not re-offended** and the court determines that removal would be just.

# Who is a Romeo & Juliet Offender

- If the offense was the result of a **consensual sexual activity; and**
- EITHER:
  - (1) All of the following are true:
    - The victim was **at least 13 years old, but less than 16 years old.**
    - The **offender was not more than 4 years older than the victim.**

**OR**

- (2) All of the following are true:
  - The offender was convicted of:
    - 750.158, crime against nature or sodomy against victim under 18; **OR**
    - 750.338, 750.338a or b, Gross indecency victim 13-17 years old; **OR**
    - 750.520c(1)(i), 2<sup>nd</sup> Degree CSC and “that other person is under the jurisdiction of the Dept. of Corrections and the actor is an employee or a contractual employee of, or a volunteer with, the Dept. of corrections who knows that the other person is under the jurisdiction of the Dept. of Corrections.”
  - The victim was **16 years or older** at the time of the offense.
  - The **victim was not under the custodial authority of the offender** at the time of the offense.

# Tier 1 & III Offenses Defined

## □ Tier 1 OFFENSES

- 750.145c(4), Person who knowingly possesses any child sexually abusive material.
- 750.335a(2)(B), Indecent exposure with fondling of self, if the victim is a minor.
- 750.349b, Unlawful imprisonment/restraint if the victim is a minor.
- 750.520e, 4<sup>th</sup> Degree CSC if the victim is 18 or older.
- 750.520g(2), Assault with attempt to commit (touch) if the victim is 18 or older.
- 750.539i, Surveillance of or distribution, dissemination, or transmission of recording, photograph, or visual image of individual having reasonable expectation or privacy, if victim is minor.
- 750.10A, Anyone who was at the time of the offense, a sexually delinquent person.
- 28.722(B)(s)(vi), Catch all provision.

## □ TIER III OFFENSES

- 750.338, Gross indecency between males, victim under 13.
- 750.338a, Gross indecency between females, victim under 13.
- 750.338b, Gross indecency between male and female, victim under 13.
- 750.349, Kidnapping committed against a minor.
- 750.350, Kidnapping victim under 14.
- 750.520b, 1<sup>st</sup> Degree CSC.
- 750.520c, 2<sup>nd</sup> Degree CSC.
- 750.520d, 3<sup>rd</sup> Degree CSC.
- 750.520e, 4<sup>th</sup> Degree CSC if victim us under 18.
- 750.520g(1), Assault with attempt to commit penetration.
- 750.520g(2), Assault with attempt to commit touch, OR attempts or conspiracies for any of the above.

# What to do if you believe you are eligible to Petition for Removal or a Reduction

- If you can afford an attorney, **contact a defense attorney** to investigate your case and, if you are eligible, begin the process on your behalf. If you cannot afford an attorney, **contact your local legal services office.**
- **Be aware:** Individuals who are currently on the Michigan Sex Offender Registry **may only submit a petition for removal ONCE;** make sure you are receiving the help you need to submit a successful petition. **Don't risk losing the opportunity.**