

PETITIONING FOR REMOVAL FROM THE MICHIGAN SEX OFFENDER REGISTRY

IF YOU ARE CURRENTLY REQUIRED TO REGISTER AS A SEX OFFENDER YOU **MAY BE** ELIGIBLE TO PETITION FOR REMOVAL OR A REDUCED REGISTRATION PERIOD

• WHO IS ELIGIBLE TO PETITION FOR REMOVAL?

- A. Offenders who engaged in consensual sexual activity with a teenaged victim less than **four years younger** than them - also known as **ROMEO & JULIET OFFENDERS** (see next page)
- B. **Juvenile** offenders under the age of 14 who were not tried as an adult
- C. **Juveniles** in the 14 to 16 year old age group who were not tried as an adult and did not commit a **TIER III offense** (see below)

• WHO IS ELIGIBLE TO PETITION FOR A SHORTER REGISTRATION?

- A. **Juveniles** aged 14-16 who committed a **TIER III offense** (see below) and who **have not reoffended** are required to register for life on the non-public registry, but may petition for removal after **25 years**.
- B. **All Tier I offenders**, are required to register for 15 years, but may petition for removal after **10 years** if they **have not reoffended** and the court determines removal would be just.

• WHAT IS A TIER III OFFENSE?

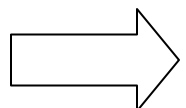
- [750.338](#) Gross indecency between males, victim under 13
- [750.338a](#) Gross indecency between females, victim under 13
- [750.338b](#) Gross indecency between male and female, victim under 13
- [750.349](#) Kidnapping committed against a minor
- [750.350](#) Kidnapping victim under 14
- [750.520b](#) 1st Degree CSC
- [750.520c](#) 2nd Degree CSC
- [750.520d](#) 3rd Degree CSC
- [750.520e](#) 4th Degree CSC if victim is under 18
- [750.520g\(1\)](#) Assault w/Attempt to commit penetration
- [750.520g\(2\)](#) Assault w/Attempt to Commit touch

OR attempts or conspiracies for any of the above

• WHAT IS A TIER I OFFENSE?

- [750.145c\(4\)](#) A 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](#) 4th Degree CSC if the victim is 18 or older
- [750.520g\(2\)](#) Assault w/ Attempt to commit (touch) if the victim is 18 or older
- [750.539j](#) Surveillance of or distribution, dissemination, or transmission of recording, photograph, or visual image of individual having reasonable expectation of privacy, if the victim is a minor.
- [750.10A](#) Anyone who was at the time of the offense is a sexually delinquent person
- [28.722\(B\)\(s\)\(vi\)](#) Catch-all provision

TO LEARN MORE ABOUT WHO QUALIFIES AS A ROMEO & JULIET OFFENDER, KEEP READING ON THE NEXT PAGE



- **WHO IS A ROMEO AND JULIET OFFENDER?**

An individual currently required to register on Michigan's Sex Offender Registry may petition for **immediate removal** from the registry, if the offense was the result of **consensual sexual activity**,

AND EITHER

1. **ALL** of the following are true:

- A. The victim was **at least 13 years old**, but **less than 16 years old**.
- B. The **offender was not more than 4 years older** than the victim.

2. **ALL** of the following are true:

A. The offender was convicted of:

- i. **750.158**, Crime against nature or sodomy against victim under 18 **OR**
- ii. **750.338, 750.338a or b**, Gross Indecency victim 13-17 years old **OR**
- iii. **750.520c(1)(i)**, 2nd Degree CSC and "that other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections."

B. The victim was **16 years or older** at the time of the offense.

C. The **victim was not under the custodial authority of the offender** at the time of the offense.

- **WHAT SHOULD I DO IF I BELIEVE I AM ELIGIBLE TO PETITION FOR REMOVAL OR A REDUCTION?**

1. If you can afford an attorney, **contact a defense attorney** to investigate your case and, if you are eligible, begin the petition process on your behalf. If you cannot afford an attorney, **contact your local legal services office**.

2. **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 this opportunity.