

ACLU to MI registrants: Please remain compliant

written by Robin Vander Wall | September 5, 2017



ACLU of Michigan . . . We recommend that all registrants stay SORA-compliant until there is a final judgment. State criminal courts are not bound by federal appellate decisions (except for U.S. Supreme Court decisions), and it is not yet clear how Michigan state courts will apply the *Does v. Snyder* decision. We strongly recommend full compliance to avoid criminal charges or other consequences. Individuals who are charged with criminal SORA violations (e.g., residing in an exclusion zone, failure to register) can try to raise the defense in criminal court that SORA is unconstitutional if it is being applied retroactively to them. Whether *Does v. Snyder* provides a defense may depend on factors like the date of the original sex offense and what part of SORA the individual allegedly violated. Individuals charged with SORA violations should seek qualified defense counsel or ask for appointed counsel if they cannot afford an attorney.

The Court of Appeals' decision held that the 2011 amendments, which extended many registrants' obligations from 25 years to

life, cannot be applied retroactively. Because there is not yet a final judgment, we do not recommend that registrants file motions to shorten their registration periods back to 25 years. Individuals who would have already come off the registry under the pre-2011 version of SORA should consult with an attorney. Registrants whose offenses occurred before January 1, 2006 and who want to work or live within an exclusion zones (e.g. take a specific job or live with family) should consult with an attorney.

Registrants who are on parole or probation should follow all parole and probation orders related to their sex offender registration. Individuals who are facing current felony charges for non-sex offenses but who could be added to the registry based on a past sex offenses (“recapture” cases) should consult with an attorney.

Registrants who want to support the legislative effort to reform Michigan’s sex offender laws should [contact the ACLU](#) of Michigan.

More questions? Visit the [ACLU of Michigan’s FAQ](#) regarding Snyder.