



# State Notes

## TOPICS OF LEGISLATIVE INTEREST

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### ADDENDUM: RECENT DEVELOPMENTS REGARDING THE SEX OFFENDERS REGISTRATION ACT

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The May/June 2002 issue of *State Notes: Topics of Legislative Interest*, included an article discussing recent developments regarding the Sex Offenders Registration Act (SORA). In part, that article reviewed a Federal District Court case in which SORA's provision allowing information from the sex offender registry to be available to the public, including via the Internet, was ruled unconstitutional (*Fullmer v Michigan Department of State Police*). As noted in the previous article, the District Court judge enjoined the State from enforcing SORA's public disclosure provisions.

The State appealed that ruling to the U.S. Court of Appeals for the Sixth Circuit, asking the Circuit Court to stay (or put on hold) the lower court's ruling pending the appeal of the case. The State also moved to stay further appellate proceedings until the U.S. Supreme Court addresses a similar case concerning the Connecticut sex offender registry. Citing the potential loss of Federal law enforcement grants and the public interest, on August 21, 2002, the Sixth Circuit Court granted the stay of the District Court's injunction pending appeal. This order thereby allows registry information to be made available to the public, including being posted on the Department of State Police website. The Circuit Court refused, however, to hold up the appeal pending the Supreme Court's ruling in the Connecticut case.

The previous *State Notes* article also discussed a recent decision of the Michigan Court of Appeals, which found that SORA is *not* unconstitutional (*People v Wentworth*). To clarify the impact of the conflicting rulings, it should be noted that the *Wentworth* decision does constitute precedent for State courts in Michigan, although the State itself is subject to the rulings in *Fullmer*.