STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
Lansing, Michigan 48909

RECEIVED by MSC 1/16/2024 1:45:00 PM

January 16, 2024

Clerk's Office
Michigan Supreme Court
925 W Ottawa Street
Lansing, Michigan 48915

Re: Oral argument and errata in MSP amicus in *People v Lymon* (No. 164685)

To the Clerk:

On January 11, 2024, the Court entertained oral argument in the above case. At argument, the undersigned counsel argued that the Michigan "pre-2006 SORA would have passed constitutional muster [under *Betts*]," explaining as a factual matter that the Michigan pre-2006 SORA "*had periodic in-person reporting*." See oral argument video, 15:45 (emphasis added). This factual statement is consistent with the MSP's reply brief. See MSP Reply, dated Dec 11, 2024, p 8 (under Michigan pre-2006 SORA, "offender must periodically report").

But the MSP opening amicus brief incorrectly factually stated that "the periodic in-person reporting" did not exist in Michigan SORA until 2011. See MSP Amicus, dated June 20, 2023, p 6 ("not previously present in Michigan's SORA law"). The duty for a registrant with a felony conviction to report periodically in person, however, was added to the Michigan SORA in 1999. See MCL 28.725a(4)(b) (1999); Public Act 85 of 1999, § 5a(4)(b) ("[4] an individual required to be registered under this act who is not incarcerated ***shall report in person*** to the local law enforcement agency or sheriff's department having jurisdiction where he or she is domiciled or resides or to the department post in or nearest to the county where he or she is domiciled or resides for verification of domicile or residence as follows: . . . (b) If the person is registered for 1 or more felony listed offenses, not earlier than the first day or later than the fifteenth day of each April, July, October, and January following initial verification or registration.") (emphasis added). See also Public Act 542 of 2002 § 5(a)(4)(b) (same); Public Acts 237 and 240 of 2004, § 5(a)(4)(b) (same); Public Act 322 of 2005, § 5(a)(4)(b) (same).

The undersigned regrets the error from the June 20, 2023 amicus brief.

Sincerely yours,

B. Eric Restuccia

B. Eric Restuccia (P49550)
Deputy Solicitor General
Attorney for the Michigan State Police

cc: Counsel for the People and Cora Lymon