

STUDENT SAFETY ACT (EXCERPT)
Act 183 of 2013

***** 752.916 THIS SECTION IS REPEALED BY ACT 183 OF 2013 EFFECTIVE OCTOBER 1, 2017

752.916 Filing of petition by person charged with criminal offense as result of report or information; disclosure; notice to local governmental unit and attorney general; right to appear in opposition to petition; hearing; petition by prosecuting attorney if reason to believe report or information falsely provided; right of attorney general to appear in other action.

Sec. 6. (1) A person who is charged with a criminal offense as a result of a report or information filed under section 3 may petition the court for disclosure of the report or information, including any identifying information, as provided in this subsection. The prosecuting attorney for the local unit of government having jurisdiction and the attorney general shall be notified of the petition not less than 7 days before the hearing on the petition, or as otherwise provided by the court, and have the right to appear in the proceedings to oppose the petition. If a petition is filed under this subsection, the court may conduct a hearing on the petition. If a hearing is conducted, it shall be conducted in chambers outside of the presence of the petitioner. If the court determines that the report or information, including any identifying information, is relevant to the criminal proceedings and is essential to the fair trial of the person, the court may order the disclosure of that report or information, including any identifying information, as determined appropriate by the court. The court may place restrictions on the release and use of the report or information, including any identifying information, obtained under this subsection or may redact material as it considers appropriate. Material reviewed by the court that is not ordered released or that is redacted shall be maintained by the court under seal for purposes of appeal only.

(2) If the prosecuting attorney for a local unit of government has reason to believe that a report or other information provided under section 3 was falsely provided to the vendor described in section 3(3) through the hotline operated by that vendor under section 3, that prosecuting attorney may petition the court to disclose the report or information, including any identifying information. The attorney general shall be notified of the petition not less than 7 days before the hearing on the petition, or as otherwise provided by the court, and has the right to appear in the proceedings to oppose the petition. If the court determines that there is reason to believe that the report or information may have been falsely provided, the court may order the disclosure of the report or information, including any identifying information, as determined appropriate by the court. The court may place restrictions on the release and use of the report or information, including any identifying information, obtained under this subsection or may redact material as it considers appropriate. Material reviewed by the court that is not ordered released or that is redacted shall be maintained by the court under seal for purposes of appeal only.

(3) The attorney general may also appear in any other action to oppose the release of any report or information obtained under section 3, including any identifying information.

History: 2013, Act 183, Imd. Eff. Dec. 13, 2013.