

**SUBSTITUTE FOR
HOUSE BILL NO. 4725**

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 8, 38, and 68 (MCL 780.758, 780.788, and
780.818), as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Based upon the victim's reasonable apprehension of
2 acts or threats of physical violence or intimidation by the
3 defendant or at defendant's direction against the victim or the
4 victim's immediate family, the prosecuting attorney may move that
5 the victim or any other witness not be compelled to testify at
6 pretrial proceedings or at trial for purposes of identifying the
7 victim as to the victim's address, place of employment, or other
8 personal identification without the victim's consent. A hearing on
9 the motion shall be in camera.

1 (2) The work address and address of the victim shall not be in
2 the court file or ordinary court documents unless contained in a
3 transcript of the trial or it is used to identify the place of the
4 crime. The work telephone number and telephone number of the victim
5 shall not be in the court file or ordinary court documents except
6 as contained in a transcript of the trial.

7 (3) ~~Pursuant to~~ **UNDER** section 24 of article I of the state
8 constitution of 1963, guaranteeing to crime victims the right to be
9 treated with respect for their dignity and privacy, all of the
10 following information and visual representations of a victim are
11 exempt from disclosure under the freedom of information act, 1976
12 PA 442, MCL 15.231 to 15.246:

13 (a) The home address, home telephone number, work address, and
14 work telephone number of the victim unless the address is used to
15 identify the place of the crime.

16 (b) A picture, photograph, drawing, or other visual
17 representation, including any film, videotape, or digitally stored
18 image of the victim.

19 **(C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD**
20 **ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT**
21 **CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18**
22 **YEARS OF AGE WHEN THE CRIME WAS COMMITTED:**

23 **(i) THE VICTIM'S NAME AND ADDRESS.**

24 **(ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR**
25 **RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,**
26 **OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.**

27 **(iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE**

1 **IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S**
2 **FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.**

3 (4) Subsection (3) ~~shall~~**DOES** not preclude the release of
4 information to a victim advocacy organization or agency for the
5 purpose of providing victim services.

6 Sec. 38. (1) Based upon the victim's reasonable apprehension
7 of acts or threats of physical violence or intimidation by the
8 juvenile or at the juvenile's direction against the victim or the
9 victim's immediate family, the prosecuting attorney may move or, in
10 the absence of a prosecuting attorney, the victim may request that
11 the victim or any other witness not be compelled to testify at any
12 court hearing for purposes of identifying the victim as to the
13 victim's address, place of employment, or other personal
14 identification without the victim's consent. A hearing on the
15 motion shall be in camera.

16 (2) ~~Pursuant to~~**UNDER** section 24 of article I of the state
17 constitution of 1963, guaranteeing to crime victims the right to be
18 treated with respect for their dignity and privacy, all of the
19 following information and visual representations of a victim are
20 exempt from disclosure under the freedom of information act, 1976
21 PA 442, MCL 15.231 to 15.246:

22 (a) The home address, home telephone number, work address, and
23 work telephone number of the victim.

24 (b) A picture, photograph, drawing, or other visual
25 representation, including any film, videotape, or digitally stored
26 image of the victim.

27 **(C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD**

1 ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT
2 CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18
3 YEARS OF AGE WHEN THE CRIME WAS COMMITTED:

4 (i) THE VICTIM'S NAME AND ADDRESS.

5 (ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR
6 RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,
7 OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.

8 (iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE
9 IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S
10 FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.

11 (3) Subsection (2) ~~shall~~**DOES** not preclude the release of
12 information to a victim advocacy organization or agency for the
13 purpose of providing victim services.

14 Sec. 68. (1) Based upon the victim's reasonable apprehension
15 of acts or threats of physical violence or intimidation by the
16 defendant or at defendant's direction against the victim or the
17 victim's immediate family, the prosecuting attorney may move that
18 the victim or any other witness not be compelled to testify at
19 pretrial proceedings or at trial for purposes of identifying the
20 victim as to the victim's address, place of employment, or other
21 personal identification without the victim's consent. A hearing on
22 the motion shall be in camera.

23 (2) ~~Pursuant to~~**UNDER** section 24 of article I of the state
24 constitution of 1963, guaranteeing to crime victims the right to be
25 treated with respect for their dignity and privacy, all of the
26 following information and visual representations of a victim are
27 exempt from disclosure under the freedom of information act, 1976

1 PA 442, MCL 15.231 to 15.246:

2 (a) The home address, home telephone number, work address, and
3 work telephone number of the victim.

4 (b) A picture, photograph, drawing, or other visual
5 representation, including any film, videotape, or digitally stored
6 image of the victim.

7 (C) THE FOLLOWING INFORMATION CONCERNING A VICTIM OF CHILD
8 ABUSE, CRIMINAL SEXUAL CONDUCT, ASSAULT WITH INTENT TO COMMIT
9 CRIMINAL SEXUAL CONDUCT, OR A SIMILAR CRIME WHO WAS LESS THAN 18
10 YEARS OF AGE WHEN THE CRIME WAS COMMITTED:

11 (i) THE VICTIM'S NAME AND ADDRESS.

12 (ii) THE NAME AND ADDRESS OF AN IMMEDIATE FAMILY MEMBER OR
13 RELATIVE OF THE VICTIM, WHO HAS THE SAME SURNAME AS THE VICTIM,
14 OTHER THAN THE NAME AND ADDRESS OF THE ACCUSED.

15 (iii) ANY OTHER INFORMATION THAT WOULD TEND TO REVEAL THE
16 IDENTITY OF THE VICTIM, INCLUDING A REFERENCE TO THE VICTIM'S
17 FAMILIAL OR OTHER RELATIONSHIP TO THE ACCUSED.

18 (3) Subsection (2) ~~shall~~ DOES not preclude the release of
19 information to a victim advocacy organization or agency for the
20 purpose of providing victim services.