



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5368 (Substitute H-1 as passed by the House)
Sponsor: Representative Graham Filler
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Date Completed: 12-6-21

CONTENT

The bill would amend Chapter 14 (General Provisions) of the Revised Judicature Act (RJA) to prohibit a record in any court in the State from being redacted of a defendant's name or date of birth, except as otherwise provided by law.

"Record" would mean information of any kind that is recorded in any manner and has been created by the court or filed with a court in accordance with Michigan Supreme Court rules.

Proposed MCL 600.1429

BACKGROUND

In the early 2010s, the State Court Administrative Office (SCAO) began moving forward with a comprehensive records management policy as a long-term project both to protect the public and to provide additional access to court records.

Public Act 199 of 2013 amended the RJA to delete then-existing statutory requirements for retention and destruction of court documents and records. Public Act 199 also required SCAO to establish and maintain record management policies and procedures for Michigan courts, including records retention and disposal schedules. Public Act 201 of 2013 amended the RJA to require all writs, processes, proceedings, and records in any court to be made out in the manner and on any medium authorized by Michigan Supreme Court rules.

In May 2019, the Supreme Court adopted rule revisions for Michigan Court Rules 1.109 and 8.119 that prohibit filers from including personal identifying information (which includes Social Security numbers, national identification numbers, dates of birth, financial account numbers, driver license numbers, State identification numbers, and passport numbers) in court forms unless it is necessary for the particular proceedings. The amended rules instead require filers to file an accompanying document that includes the actual information. Additional rule revisions were proposed in October 2020. The effective date of the rules was July 1, 2021. The rule revisions required SCAO to revise over 200 court forms to protect against disclosure of personal identifying information in court records.

On June 30, 2021, the Supreme Court issued two orders, ADM File No. 2017-28 and ADM File No. 2020-26, delaying the effective date of the amended rules until January 1, 2022.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local court systems.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.