

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4798

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
(MCL 780.751 to 780.834) by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8a. (1) Except as otherwise provided under this section,
2 the prosecuting attorney shall keep the personal information of any
3 victim confidential unless the personal information is a part of
4 the res gestae of the charged crime.

5 (2) The prosecuting attorney shall redact the personal
6 information of a victim required to be kept confidential under
7 subsection (1) from both of the following:

8 (a) Any document provided to the defense counsel or the
9 defendant.



1 (b) Any document that the prosecuting attorney submits as an
2 ordinary court document or that will be entered into the court
3 file.

4 (3) The prosecuting attorney is not required to redact the
5 personal information of a victim under subsection (2) (a) if either
6 of the following applies:

7 (a) The document was obtained from the defendant or defense
8 counsel, or was obtained from the defendant's or defense counsel's
9 possession.

10 (b) The personal information was obtained from the defendant
11 or defense counsel, or was obtained from the defendant's or defense
12 counsel's possession.

13 (4) The defendant or defense counsel shall redact the personal
14 information of a victim required to be kept confidential under
15 subsection (1) from any document that the defendant or defense
16 counsel submits as an ordinary court document or that will be
17 entered into the court file.

18 (5) The prosecuting attorney is not required to redact the
19 personal information of a victim as provided under subsection
20 (2) (a) if, upon a motion by the prosecutor, the court enters a
21 protective order restricting the defendant and defense counsel from
22 disclosing or using the document for any purpose other than
23 litigation of the case in which the document was provided to the
24 defendant or defense counsel.

25 (6) The prosecuting attorney is not required to redact the
26 personal information of a victim as provided under subsection
27 (2) (b) if, upon a motion by the prosecutor, the court enters a
28 protective order placing the document to be entered into the court
29 record under seal and not accessible to the public.



1 (7) The defendant or defense counsel is not required to redact
2 the personal information of a victim as provided under subsection
3 (4) if, upon a motion by the defendant or defense counsel, the
4 court enters a protective order placing the document to be entered
5 into the court record under seal and not accessible to the public.

6 (8) This section does not alleviate the obligation otherwise
7 required under law to make a victim available for interview by the
8 other party.

9 (9) On motion by the defendant, and subject to subsection
10 (12), the court may order the prosecuting attorney to provide
11 personal information to the defense counsel or the defendant.

12 (10) A motion under subsection (9) must meet the following
13 requirements:

14 (a) Demonstrate that the personal information requested is
15 reasonably necessary to provide an adequate defense.

16 (b) Explain the limited purpose for which the personal
17 information is sought.

18 (11) If the court grants a motion under subsection (9), the
19 order must do all of the following:

20 (a) Limit the disclosure of the personal information to the
21 extent the disclosure is reasonably necessary to provide an
22 adequate defense.

23 (b) Specify the limited purpose for which the personal
24 information may be used.

25 (c) Except as provided in subdivision (d), require the
26 personal information to remain in the exclusive custody of the
27 defense counsel or the defendant if the defendant is not
28 represented by counsel.

29 (d) Include conditions and terms for the defense counsel or,



1 if the defendant is not represented by counsel, the defendant, to
2 provide the personal information to the defense counsel's or the
3 defendant's agent, employee, or expert witness if necessary for a
4 limited purpose approved by the court.

5 (e) Prohibit the reproduction, copying, or dissemination of
6 the personal information unless authorized in the order.

7 (12) This section does not authorize the disclosure of the
8 confidential address of a program participant.

9 (13) This section does not preclude the release of information
10 to a victim advocacy organization or agency for the purpose of
11 providing victim services.

12 (14) A person who is required to keep confidential or redact
13 personal information under this section and who intentionally and
14 willfully discloses that personal information in violation of this
15 section is guilty of a misdemeanor punishable by imprisonment for
16 not more than 93 days or a fine of not more than \$500.00, or both.

17 (15) As used in this section:

18 (a) "Confidential address" means that term as defined in
19 section 3 of the address confidentiality program act, 2020 PA 301,
20 MCL 780.853.

21 (b) "Internet identifier" means a designation used for self-
22 identification or routing used in posting on the internet or in
23 other internet communications.

24 (c) "Personal information" means the following information of
25 a victim but does not include the location of a charged crime:

26 (i) Home address.

27 (ii) Telephone number and cellular telephone number.

28 (iii) Driver license number or official state personal
29 identification card number.



- 1 (iv) Social Security number.
- 2 (v) Date of birth.
- 3 (vi) Place and address of employment.
- 4 (vii) Employee identification number.
- 5 (viii) Mother's maiden name.
- 6 (ix) Demand deposit account, savings account, or checking
7 account number, or other financial identification information.
- 8 (x) Credit card number.
- 9 (xi) Email address.
- 10 (xii) Internet identifier.
- 11 (xiii) Home address, telephone number, and cellular telephone
12 number of a family member.
- 13 (d) "Program participant" means that term as defined in
14 section 3 of the address confidentiality program act, 2020 PA 301,
15 MCL 780.853.

