

# HOUSE BILL NO. 4798

May 06, 2021, Introduced by Rep. Filler and referred to the Committee on Judiciary.

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**

1 information of a victim required to be kept confidential under  
2 subsection (1) from both of the following:

3 (a) Any document provided to the defense counsel or the  
4 defendant.

5 (b) Any document that the prosecuting attorney submits as an  
6 ordinary court document or that will be entered into the court  
7 file.

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

11 (4) On motion by the defendant, the court may order the  
12 prosecuting attorney to provide personal information to the defense  
13 counsel or the defendant.

14 (5) A motion under subsection (4) must meet the following  
15 requirements:

16 (a) Subject to subdivision (c), demonstrate that the personal  
17 information requested is reasonably necessary to provide an  
18 adequate defense.

19 (b) Explain the limited purpose for which the personal  
20 information is sought.

21 (c) If the personal information sought is the confidential  
22 address of a victim who is a program participant, the demonstration  
23 under subdivision (a) must specify the reasons a designated address  
24 is insufficient and the reasons a confidential address is  
25 reasonably necessary to provide an adequate defense.

26 (6) If the court grants a motion under subsection (4), the  
27 order must do all of the following:

28 (a) Limit the disclosure of the personal information to the  
29 extent the disclosure is reasonably necessary to provide an

1 adequate defense.

2 (b) Specify the limited purpose for which the personal  
3 information may be used.

4 (c) If the order requires the disclosure of the confidential  
5 address of a program participant to the defense counsel or the  
6 defendant, protect the confidential address from further  
7 disclosure.

8 (d) Except as provided in subdivision (e), require the  
9 personal information to remain in the exclusive custody of the  
10 defense counsel or the defendant if the defendant is not  
11 represented by counsel.

12 (e) Include conditions and terms for the defense counsel or,  
13 if the defendant is not represented by counsel, the defendant, to  
14 provide the personal information to the defense counsel's or the  
15 defendant's agent, employee, or expert witness if necessary for a  
16 limited purpose approved by the court.

17 (f) Prohibit the reproduction, copying, or dissemination of  
18 the personal information not authorized in the order.

19 (7) A person who intentionally and willfully discloses  
20 personal information in violation of this section is guilty of a  
21 misdemeanor punishable by imprisonment for not more than 93 days or  
22 a fine of not more than \$500.00, or both.

23 (8) As used in this section:

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

27 (b) "Designated address" means that term as defined in section  
28 3 of the address confidentiality program act, 2020 PA 301, MCL  
29 780.853.

1 (c) "Internet identifier" means a designation used for self-  
2 identification or routing used in posting on the internet or in  
3 other internet communications.

4 (d) "Personal information" means the following information of  
5 a victim but does not include the location of a charged crime:

6 (i) Home address.

7 (ii) Telephone number and cellular telephone number.

8 (iii) Driver license number or official state personal  
9 identification card number.

10 (iv) Social Security number.

11 (v) Date of birth.

12 (vi) Place and address of employment.

13 (vii) Employee identification number.

14 (viii) Mother's maiden name.

15 (ix) Demand deposit account, savings account, or checking  
16 account number, or other financial identification information.

17 (x) Credit card number.

18 (xi) Email address.

19 (xii) Internet identifier.

20 (xiii) Home address, telephone number, and cellular telephone  
21 number of a family member.

22 (e) "Program participant" means that term as defined in  
23 section 3 of the address confidentiality act, 2020 PA 301, MCL  
24 780.853.