

SENATE BILL NO. 869

February 09, 2022, Introduced by Senators HORN, WOZNIAK, BUMSTEAD, BIZON and LASATA and referred to the Committee on Judiciary and Public Safety.

A bill to protect the personal safety of judges and certain other individuals; to protect the personal information of judges and certain other individuals from disclosure; to provide for the powers and duties of certain state and local governmental officers and certain other people and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "judicial protection
2 act".

3 Sec. 2. As used in this act:

1 (a) "Immediate family member" means the spouse, child,
2 stepchild, adopted child, grandchild, parent, grandparent, brother,
3 or sister of a judge or his or her spouse.

4 (b) "Judge" means any of the following:

5 (i) A judge, full-time magistrate, or justice who is serving by
6 election or appointment on the district court, circuit court,
7 probate court, court of appeals, or supreme court of this state.

8 (ii) A judge, magistrate, or justice who is serving on the
9 United States Bankruptcy or District Court, Court of Appeals, or
10 Supreme Court who serves or has a residential address in this
11 state.

12 (iii) A judge serving on a tribal court for a federally
13 recognized tribe located in this state.

14 (c) "Person" means an individual, corporation, limited
15 liability company, partnership, firm, organization, association, or
16 other legal entity but does not include a public body.

17 (d) "Personal information" means any of the following:

18 (i) Date of birth except as necessary to comply with section 19
19 of article VI of the state constitution of 1963.

20 (ii) Residential address or address of other property owned.

21 (iii) Home or cellular telephone number.

22 (iv) State identification number or driver license number.

23 (v) Social Security number.

24 (vi) Personal email address.

25 (vii) Federal or state tax identification number.

26 (viii) Personal financial information including, but not limited
27 to, the following information:

28 (A) Personal credit, charge, or debit card information.

29 (B) Bank account information.

1 (C) Bank, credit, or financial statements.

2 (D) Account or PIN numbers.

3 (E) Retirement account information.

4 (F) Portfolio holdings.

5 (ix) Motor vehicle ownership or leasing records.

6 (x) Marital status.

7 (xi) Medical and disability information.

8 (xii) Name or location of a current employment, school, or
9 daycare of an immediate family member.

10 (e) "Public body" means that term as defined in section 2 of
11 the freedom of information act, 1976 PA 442, MCL 15.232.

12 (f) "Residential address" means the place that is the settled
13 home or domicile at which an individual legally resides and is a
14 residence as defined in section 11 of the Michigan election law,
15 1954 PA 116, MCL 168.11.

16 Sec. 3. (1) A judge may submit a written request, on a form
17 prescribed by the state court administrative office, to a public
18 body or person to prevent disclosure under section 4 of the
19 personal information of the judge, the judge's immediate family
20 member, or an individual residing with the judge. The form must
21 include information on the appropriate methods to provide the form
22 to a public body or person and require both of the following, as
23 applicable:

24 (a) Proof of the judge's office and identity.

25 (b) The personal information of the judge, the judge's
26 immediate family member, or the individual residing with the judge
27 that the judge desires to protect.

28 (2) A written request provided to a public body or person
29 under subsection (1) remains in effect until the judge provides a

1 signed written permission to release some or all of the personal
2 information.

3 Sec. 4. (1) Except as otherwise provided, a public body that
4 has received a request under section 3 shall not publicly post or
5 display or provide to a person the specified personal information
6 of a judge, a judge's immediate family member, or an individual
7 residing with a judge, as applicable. A public body that has
8 already publicly posted or displayed the specified personal
9 information shall remove the personal information within 5 business
10 days.

11 (2) Except as otherwise provided, a person that has received a
12 request under section 3 shall not publicly post or display or sell,
13 transfer, or provide to another person the specified personal
14 information of a judge, a judge's immediate family member, or an
15 individual residing with a judge, as applicable. A person that has
16 already publicly posted or displayed the personal information shall
17 remove the personal information within 5 business days.

18 Sec. 5. This act does not prevent a judge, a judge's family
19 member, or an individual residing with a judge from making his or
20 her personal information or the personal information of his or her
21 immediate family public. If a judge, a judge's immediate family
22 member, or an individual residing with a judge makes any of their
23 personal information public, it does not invalidate a written
24 request issued under section 3 or prohibit a judge from later
25 issuing a written request related to that information.

26 Sec. 6. Any personal information covered by a written request
27 under section 4(1) is exempt from disclosure under section 13(1)(d)
28 of the freedom of information act, 1976 PA 442, MCL 15.243, by the
29 public body that received the written request.

1 Sec. 7. Except as otherwise required by law, a judge may
2 provide a post office box instead of a residential address on all
3 public documents. As used in this section, "public documents" means
4 any record filed with a public body or created by a public body.

5 Sec. 8. (1) If a public body or a person is not complying with
6 this act, the judge may commence a civil action to compel
7 compliance or to enjoin further noncompliance with this act.

8 (2) An action for injunctive relief against a local public
9 body or person must be commenced in the circuit court, and venue is
10 proper in any county in which the judge serves. An action for an
11 injunction against a state public body must be commenced in the
12 court of claims. If a judge commences an action for injunctive
13 relief, the judge is not required to post security as a condition
14 for obtaining a preliminary injunction or a temporary restraining
15 order.

16 (3) An action for mandamus against a public body under this
17 act must be commenced in the court of appeals.

18 (4) If a public body or person is not complying with this act,
19 and a judge commences a civil action against the public body or
20 person for injunctive relief to compel compliance or to enjoin
21 further noncompliance with this act and succeeds in obtaining
22 relief in the action, the judge must recover court costs and actual
23 attorney fees for the action.

24 (5) It is not a defense to a violation of this act that the
25 personal information disclosed was publicly available from another
26 source.