

# HOUSE BILL NO. 6189

November 26, 2024, Introduced by Rep. Skaggs and referred to the Committee on Criminal Justice.

A bill to amend 2020 PA 301, entitled  
"Address confidentiality program act,"  
by amending section 5 (MCL 780.855).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) Subject to section 19(4), the address  
2 confidentiality program is created in the department of the  
3 attorney general.

4           (2) Except for an individual described in subsection (13), the  
5 following individuals are eligible to apply to the program and may  
6 submit an application, with the assistance of an application

1 assistant or a victim advocate, for certification as a program  
2 participant by the department of the attorney general:

3 (a) If changing his or her residence, an individual who is 18  
4 years of age or older or is an emancipated minor under 1968 PA 293,  
5 MCL 722.1 to 722.6.

6 (b) If changing the residence of a minor, a legal parent or  
7 the guardian of the minor appointed by a court.

8 (c) If the residence of a ward is changing, the guardian of  
9 that ward if the guardian is granted the power to apply by a court  
10 under section 5306 of the estates and protected individuals code,  
11 1998 PA 386, MCL 700.5306.

12 (3) The application under subsection (2) must be filed with  
13 the department of the attorney general in the manner and form  
14 prescribed by the department of the attorney general and must  
15 contain the following:

16 (a) A notarized statement that meets 1 of the following  
17 requirements:

18 (i) If the applicant is an individual described under  
19 subsection (2)(a), a statement by that individual that disclosure  
20 of the address provided under subdivision (d) will increase the  
21 risk that ~~he or she~~ **the individual** will be threatened, ~~or~~  
22 physically harmed, **or harassed** by another person or that the  
23 individual is a victim of domestic violence, stalking, human  
24 trafficking, or sexual assault.

25 (ii) If the applicant is the legal parent of a minor or the  
26 guardian of a minor appointed by a court, a statement by that  
27 parent of a minor or guardian that disclosure of the address  
28 provided under subdivision (d) will increase the risk that the  
29 minor will be threatened, ~~or~~ physically harmed, **or harassed** by

1 another person or that the parent or guardian, or the minor, is a  
2 victim of domestic violence, stalking, human trafficking, or sexual  
3 assault.

4 (iii) If the applicant is the guardian of a ward as provided  
5 under subsection (2)(c), a statement by that guardian that the  
6 disclosure of the address provided under subdivision (d) will  
7 increase the risk that the ward will be threatened, ~~or~~ physically  
8 harmed, **or harassed** by another person or that the ward is a victim  
9 of domestic violence, stalking, human trafficking, or sexual  
10 assault.

11 (b) A knowing and voluntary designation of the department of  
12 technology, management, and budget as the agent for the purposes of  
13 receiving mail and service of process.

14 (c) The mailing address, telephone number, and electronic mail  
15 address, if applicable, at which the department of the attorney  
16 general, the department of state, or the department of technology,  
17 management, and budget, may contact the individual, minor, or ward.

18 (d) The address of residence that the applicant requests not  
19 be disclosed.

20 (e) The signature of the applicant, the name and signature of  
21 the application assistant or victim advocate who assisted the  
22 applicant, and the date the application was signed.

23 (4) The application under subsection (2) may provide an option  
24 for an applicant to select **that the applicant fears abuse or**  
25 **harassment or to select** the type of victimization the applicant  
26 believes warrants the need for participation in the program. The  
27 department of the attorney general may not consider information  
28 provided or withheld under this subsection in certifying a program  
29 participant.

1 (5) The department of the attorney general shall do all of the  
2 following after an individual, the parent or guardian of a minor,  
3 or a guardian of a ward files a completed application:

4 (a) Except as provided in subsection (6), certify the  
5 individual, minor, or ward as a program participant.

6 (b) Issue the program participant a unique identification  
7 number and a participation card.

8 (c) Classify each eligible address listed in the application  
9 as a confidential address.

10 (d) Provide the program participant with information  
11 concerning the manner in which the program participant may use the  
12 department of technology, management, and budget as the agent of  
13 the program participant for the purposes of receiving mail and  
14 service of process.

15 (e) If the program participant is eligible to vote, provide  
16 the program participant with information concerning the process to  
17 register to vote and to vote as a program participant under the  
18 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

19 (f) Provide the program participant with information  
20 concerning the procedure from which the program participant will  
21 receive a corrected operator's or chauffeur's license under section  
22 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a  
23 corrected enhanced driver license or enhanced official state  
24 personal identification card under section 4 of the enhanced driver  
25 license and enhanced official state personal identification card  
26 act, 2008 PA 23, MCL 28.304, or a corrected official state personal  
27 identification card under section 2a of 1972 PA 222, MCL 28.292a.

28 (g) Provide the program participant with information regarding  
29 methods to protect a confidential address, including, but not

1 limited to, information regarding the risks of disclosing the  
2 confidential address to other persons and the risks of using social  
3 media and other similar electronic technologies, including  
4 geotagging photographs; and other information that the attorney  
5 general determines would help the program participant protect ~~his~~  
6 ~~or her~~ **the program participant's** confidential address.

7 (6) An individual, minor, or ward must not be certified as a  
8 program participant if the department of the attorney general knows  
9 the confidential address provided in the application as described  
10 in subsection (3)(d) is an address that has been provided to the  
11 secretary of state for that individual, minor, or ward.

12 (7) A program participant shall update information provided in  
13 an application within 30 days after a change to that information  
14 has occurred by submitting a notice of change of information to the  
15 department of the attorney general on a form prescribed by the  
16 department of the attorney general.

17 (8) Unless the certification is canceled under section 9, the  
18 certification of a program participant is valid for 4 years from  
19 the date listed on the application under subsection (3), on the  
20 renewal application under subsection (10), or on the certification  
21 continuance application under subsection (11).

22 (9) The department of the attorney general may, with proper  
23 notice, cancel the certification of a program participant as  
24 provided under section 9.

25 (10) A program participant who continues to be eligible to  
26 participate in the program may renew the certification of the  
27 program participant. The renewal application must be on a form  
28 prescribed by the department of the attorney general and must meet  
29 the requirements under subsections (2) and (3). A renewal of

1 certification of the program participant must not alter the unique  
2 identification number issued under subsection (5) (b).

3 (11) If a program participant certified as a minor becomes 18  
4 years of age or older while ~~his or her~~ **the program participant's**  
5 certification remains valid, the department of the attorney general  
6 shall mail a certification continuance application to that program  
7 participant. The certification continuance application must be on a  
8 form prescribed by the department of the attorney general, must  
9 meet the requirements under subsections (2) and (3), and must  
10 inform the program participant of ~~his or her~~ **the program**  
11 **participant's** right to choose to continue or discontinue in the  
12 program. The program participant may continue certification as a  
13 program participant after becoming 19 years of age by completing  
14 the certification continuance application with the assistance of an  
15 application assistant or victim advocate and filing the application  
16 before the program participant becomes 19 years of age.

17 (12) An application submitted under this act and the  
18 information of a program participant described under section 15(1)  
19 is confidential, is not a public record, is exempt from disclosure  
20 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
21 15.246, and may only be disclosed as authorized under this act.

22 (13) An offender who is required to be registered under the  
23 sex offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.736,~~  
24 **28.730**, is not eligible to submit an application and must not be  
25 certified as a program participant.

26 (14) The department of the attorney general shall create a  
27 participation card for the program. A participation card must  
28 contain the name and unique identification number of a program  
29 participant, and the designated address.

1           (15) The certification of a minor as a program participant  
2 does not prohibit a parent or guardian from voluntarily disclosing  
3 the minor's confidential address.

4           (16) The certification of a minor as a program participant  
5 does not amend or affect the enforceability of a custody or  
6 parenting time order issued by a court of competent jurisdiction,  
7 affect a parent's right to initiate a child custody action or use  
8 friend of the court services, or otherwise limit a court's  
9 authority in a child custody action.