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Senate Bill 24 (as introduced 1-23-25)
Sponsor: Senator Stephanie Chang
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 2-4-25

CONTENT

The bill would amend the Juvenile Diversion Act to allow a researcher to submit a research request for a juvenile record to the State Court Administrative Office (SCAO) or an individual court and require the parties to enter a data use agreement to protect all data from misuse.

The bill would take effect October 1, 2025.

The Act allows certain minors to be diverted from a family court before formal investigation and released to the custody of a parent, guardian, or custodian, or placement to which the minor and the minor's parent, guardian, or custodian agreed for further resolution of the problem that initiated the investigation concerning the minor. If diverted, a minor's record must be destroyed within 28 days after the minor becomes 18 years of age.

Currently, a record kept under the Act must not be used by any person including a court official or law enforcement official for any purpose except in deciding on whether to divert a minor. Under the bill, an individual or organization could submit a research request for a record to the SCAO or an individual court as applicable. If the research request were granted, the applicable parties would have to negotiate the data use agreement that protected personally identifiable information from public disclosure.

"Data use agreement" would mean an agreement between the individual or organization and the SCAO or individual court that outlines the technical standards and other provisions to protect the integrity of the information and personally identifiable information from public disclosure. "Personally identifiable information" would mean information about an individual that would reveal the individual's identity, including an individual's name, date of birth, Social Security number, address, and other information unique to an individual.

If a data use agreement were entered, the SCAO or an individual court could release records according to the provisions of the agreement. The SCAO could charge the researcher to cover the costs incurred for processing the research request. Data provided under the data use agreement would be exempt from disclosure under Section 13(1)(d) of the Freedom of Information Act (FOIA).¹ The researcher would have to abide by all terms and conditions set forth in the agreement.

Under the bill, the SCAO and each court that received a research request would have to maintain records of all the following:

- Requests that were received and the dates those requests were received.

¹ Section 13(1)(d) of FOIA allows a public body to exempt from disclosure as a public record records or information specifically described and exempted from disclosure by statute.

- Requests that were granted and the dates that each request was granted.
- A description of the data released as a result of a granted request.

MCL 722.829

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 688 of the 2023-2024 Legislative Session. Senate Bill 688 passed the Senate and was reported by the House committee on Judiciary but received no further action.

BACKGROUND

Governor Gretchen Whitmer signed Executive Order 2021-6 on June 9, 2021, which, among other things, created the Task Force on Juvenile Justice Reform (Task Force) as a temporary advisory body within the Department of Health and Human Services (DHHS). The Task Force was charged with acting in an advisory capacity with the goal of developing ambitious, innovative, and thorough analysis of Michigan's juvenile justice system, and including recommendations for changes to State law, policy, and appropriations aimed to improve youth outcomes.

The Task Force released its report and recommendations on July 22, 2022. Overall, the report found that the quality of services and case management received by youth, from defense to post-disposition placement, differs across the State. The State lacks uniform judicial justice policies and quality assurance standards, leading to disparities the State cannot address and data it cannot rely upon. Additionally, the lack of State centralization has led to discrepancies in the implementation of research-based, developmentally appropriate practices across the State. Public Acts (PA) 289 through 293 and PAs 297 through 302 of 2023 were enacted based on some of the Task Force's report and recommendations and took effect on October 1, 2024.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill likely would include indeterminate administrative costs for the SCAO associated with the duty to create data use agreements when providing court records. These costs are indeterminate and are expected to be absorbed by current appropriations.

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.