

INADMISSIBILITY OF CERTAIN COMMUNICATIONS WITH HUMAN TRAFFICKING VICTIM

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House Bill 5889 as introduced
Sponsor: Rep. Annette Glenn
Committee: Rules and Competitiveness
Complete to 5-3-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5889 would amend the Revised Judicature Act to provide that the following are not admissible as evidence in a civil or criminal proceeding without the prior written consent of the *victim of human trafficking*:

- A *confidential communication*.
- A report or working paper, or a statement contained in a report or working paper, given or made in connection with a consultation between a victim of human trafficking and a counselor.

The confidentiality described above would not be waived by the presence of another individual that is necessary to effectuate the communication.

Victim of human trafficking would mean an individual who was or alleges to have been the subject of human trafficking as described in Chapter LXVII (Prostitution) or LXVIIA (Human Trafficking) of the Michigan Penal Code.

Confidential communication would mean information transmitted in connection with the rendering of crisis intervention, advice, counseling, or other assistance that is either of the following:

- Between a victim of human trafficking and *human trafficking victim service agency staff*.
- Between a victim of human trafficking or human trafficking victim service agency staff and any other individual to whom disclosure is reasonably necessary to further the interests of the victim.

Human trafficking victim service agency staff would mean an individual who is employed by or volunteers services for a *human trafficking victim support agency* and in that capacity provides advice, supportive services, crisis intervention, advocacy, or other assistance to victims of human trafficking.

Human trafficking victim support agency would mean an office, refuge, shelter, safe house, institution, agency, center, or other entity that offers assistance to victims of human trafficking and their families by providing crisis intervention, shelter, advocacy, legal service, supportive counseling, or a similar service.

Proposed MCL 600.2157c

FISCAL IMPACT:

House Bill 5889 would have no direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.