

## CONFIDENTIALITY FOR DISCLOSURES TO CRIME STOPPERS ORGANIZATIONS

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**House Bill 6348**

**Sponsor: Rep. William Van Regenmorter**

**Committee: Judiciary**

**Complete to 9-15-06**

### A SUMMARY OF HOUSE BILL 6348 AS INTRODUCED 8-16-06

House Bill 6348 would amend the Revised Judicature Act to provide confidentiality to those who make disclosures to "crime stoppers" organizations.

More specifically and under the bill, a person would not be required to do either of the following in a civil or criminal proceeding:

- Disclose, by way of testimony or otherwise, a confidential communication to a crime stoppers organization.
- Produce under subpoena, any records, documentary evidence, opinions, or decisions relating to a confidential communication to a crime stopper organization, by way of any discovery procedure.

Under the bill, an individual arrested and charged with a criminal offense, or an individual who was a party in a civil proceeding, could petition the court for an inspection conducted *in camera* of the records of a confidential communication to a crime stoppers organization. The petition would have to allege facts showing that the records would provide evidence favorable to the defendant or the party in a civil proceeding, and relevant to the issue of guilt or punishment, or liability. If the court determined that the person was entitled to all or any part of those records, the court could order production and disclosure, as it deemed appropriate.

Further, the prosecution could petition the court for an inspection conducted *in camera*, of the records of a confidential communication to a crime stoppers organization that the prosecution contended was made by the defendant, or by another individual acting on behalf of the defendant, for the purpose of providing false or misleading information to the crime stoppers organization. The petition would have to allege facts showing that the records would provide evidence supporting the prosecution's contention and would be relevant to the issue of guilt or punishment. If the court determined that the prosecution was entitled to all of any part of those records, the court could order production and disclosure as it deemed appropriate.

Under the bill, "confidential communication to a crime stoppers organization" means a statement by any person, in any manner whatsoever, to a crime stoppers organization for

the purpose of reporting alleged criminal activity. "Crime stoppers organization" means a private, nonprofit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency.

MCL 600.2157b

**FISCAL IMPACT:**

The bill would have no fiscal impact on the state and local units of government.

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