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BILL ANALYSIS

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House Bill 6348 (as passed by the House)
Sponsor: Representative William Van Regenmorter
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-4-06

CONTENT

The bill would amend the Revised Judicature Act to provide for the nondisclosure, except as ordered by a court, of a confidential communication to a "crime stoppers organization".

The bill specifies that, except as provided below, a person could 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 stoppers organization by way of any discovery procedure.

An individual who was arrested and charged with a crime or 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 concerning that individual. (According to *Black's Law Dictionary*, "in camera" means in the judge's private chambers or in the courtroom with all spectators excluded, and an "in camera inspection" refers to a trial judge's private consideration of evidence.) 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, it could order production and disclosure as it considered appropriate.

The prosecution in a criminal proceeding could petition the court for an inspection conducted in camera of the records of a confidential communication to a crime stoppers organization 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 or any part of those records, the court could order production and disclosure as it considered appropriate.

"Crime stoppers organization" would mean a private, nonprofit organization that distributes rewards to people who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency.

"Confidential communication to a crime stoppers organization" would mean a statement by any person, in any manner, to a crime stoppers organization for the purpose of reporting alleged criminal activity.

Proposed MCL 600.2157b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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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.