

HOUSE BILL No. 6348

August 16, 2006, Introduced by Rep. Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2157b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2157B. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3), A
2 PERSON SHALL NOT BE REQUIRED TO DO EITHER OF THE FOLLOWING IN A
3 CIVIL OR CRIMINAL PROCEEDING:

4 (A) DISCLOSE, BY WAY OF TESTIMONY OR OTHERWISE, A CONFIDENTIAL
5 COMMUNICATION TO A CRIME STOPPERS ORGANIZATION.

6 (B) PRODUCE, UNDER SUBPOENA, ANY RECORDS, DOCUMENTARY
7 EVIDENCE, OPINIONS, OR DECISIONS RELATING TO A CONFIDENTIAL
8 COMMUNICATION TO A CRIME STOPPERS ORGANIZATION BY WAY OF ANY
9 DISCOVERY PROCEDURE.

10 (2) AN INDIVIDUAL ARRESTED AND CHARGED WITH A CRIMINAL OFFENSE

1 OR AN INDIVIDUAL WHO IS A PARTY IN A CIVIL PROCEEDING MAY PETITION
2 THE COURT FOR AN INSPECTION CONDUCTED IN CAMERA OF THE RECORDS OF A
3 CONFIDENTIAL COMMUNICATION TO A CRIME STOPPERS ORGANIZATION
4 CONCERNING THAT INDIVIDUAL. THE PETITION SHALL ALLEGE FACTS SHOWING
5 THAT THE RECORDS WOULD PROVIDE EVIDENCE FAVORABLE TO THE DEFENDANT
6 OR THE PARTY IN A CIVIL PROCEEDING AND RELEVANT TO THE ISSUE OF
7 GUILT OR PUNISHMENT, OR LIABILITY. IF THE COURT DETERMINES THAT THE
8 PERSON IS ENTITLED TO ALL OR ANY PART OF THOSE RECORDS, THE COURT
9 MAY ORDER PRODUCTION AND DISCLOSURE AS IT DEEMS APPROPRIATE.

10 (3) THE PROSECUTION IN A CRIMINAL PROCEEDING MAY PETITION THE
11 COURT FOR AN INSPECTION CONDUCTED IN CAMERA OF THE RECORDS OF A
12 CONFIDENTIAL COMMUNICATION TO A CRIME STOPPERS ORGANIZATION THAT
13 THE PROSECUTION CONTENDS WAS MADE BY THE DEFENDANT, OR BY ANOTHER
14 INDIVIDUAL ACTING ON BEHALF OF THE DEFENDANT, FOR THE PURPOSE OF
15 PROVIDING FALSE OR MISLEADING INFORMATION TO THE CRIME STOPPERS
16 ORGANIZATION. THE PETITION SHALL ALLEGE FACTS SHOWING THAT THE
17 RECORDS WOULD PROVIDE EVIDENCE SUPPORTING THE PROSECUTION'S
18 CONTENTION AND WOULD BE RELEVANT TO THE ISSUE OF GUILT OR
19 PUNISHMENT. IF THE COURT DETERMINES THAT THE PROSECUTION IS
20 ENTITLED TO ALL OR ANY PART OF THOSE RECORDS, THE COURT MAY ORDER
21 PRODUCTION AND DISCLOSURE AS IT DEEMS APPROPRIATE.

22 (4) AS USED IN THIS SECTION:

23 (A) "CONFIDENTIAL COMMUNICATION TO A CRIME STOPPERS
24 ORGANIZATION" MEANS A STATEMENT BY ANY PERSON, IN ANY MANNER
25 WHATSOEVER, TO A CRIME STOPPERS ORGANIZATION FOR THE PURPOSE OF
26 REPORTING ALLEGED CRIMINAL ACTIVITY.

27 (B) "CRIME STOPPERS ORGANIZATION" MEANS A PRIVATE, NONPROFIT

House Bill No. 6348 as amended November 28, 2006

1 ORGANIZATION THAT [DISTRIBUTES] REWARDS TO
2 PERSONS WHO REPORT TO THE ORGANIZATION INFORMATION CONCERNING
3 CRIMINAL ACTIVITY AND THAT FORWARDS THE INFORMATION TO THE
4 APPROPRIATE LAW ENFORCEMENT AGENCY.