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BILL ANALYSIS

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Senate Bill 70 (Substitute S-1 as passed by the Senate)  
Senate Bill 71 (Substitute S-1 as passed by the Senate)  
Senate Bill 72 (as passed by the Senate)  
Senate Bill 73 (Substitute S-1 as passed by the Senate)  
Senate Bill 74 (as passed by the Senate)  
Senate Bill 75 (Substitute S-1 as passed by the Senate)  
Senate Bill 76 (as passed by the Senate)  
Sponsor: Senator Ruth Johnson (S.B. 70 & 72)  
Senator Tom Barrett (S.B. 71)  
Senator Stephanie Chang (S.B. 73)  
Senator Erika Geiss (S.B. 74)  
Senator Lana Theis (S.B. 75)  
Senator Kimberly LaSata (S.B. 76)

Committee: Judiciary and Public Safety

Date Completed: 1-2-20

### **RATIONALE**

For a victim of domestic abuse, sexual assault, stalking, or human trafficking, being able to resume his or her life and feel secure is considered an important factor in recovery. Evidently, an impediment to this is the ability of some perpetrators to use publicly available information to find their victims. A victim may resort to changing his or her name or job, moving, or reducing his or her public exposure to avoid being found. Those measures can be ineffective, however, and the victim may be harassed or attacked again. To address this issue, other states have created address confidentiality programs, which give a victim a substitute mailing address in place of his or her physical address. This substitute address is used whenever an address is required for state agencies or other purposes, and most mail is sent to this address for forwarding to the victim's actual address. It has been suggested that Michigan adopt such a program.

### **CONTENT**

**Senate Bill 70 (S-1) would create the "Address Confidentiality Program Act" to do the following:**

- **Establish the Address Confidentiality Program in the Department of the Attorney General (referred to below as the Attorney General) and allow an individual to participate if he or she were a victim of domestic violence, stalking, human trafficking, or sexual assault, or risked physical harm if his or her address were disclosed.**
- **Allow an individual 18 years of age or older, an emancipated minor, the legal parent or guardian appointed by a court, or the guardian of a ward to apply for certification on behalf of himself or herself, or his or her minor or ward, as a participant in the Program.**
- **Prescribe the information to be included in an application for the Program.**
- **Require the Attorney General, after receiving an application, to certify the individual as a Program participant, issue him or her a unique identification number, and classify each eligible address in the application as a confidential address.**

- Specify that a certification as a Program participant would last for four years, unless cancelled as provided under the proposed Act.
- Allow a Program participant to request that a governmental entity use the designated address (a mailing address at which the Department of Technology, Management, and Budget (DTMB) would receive participants' mail), and require a governmental entity to do so, unless otherwise specified.
- Prescribe procedures that the DTMB would have to use in forwarding a Program participant's mail or process served on the participant.
- Prescribe the circumstances under which the Attorney General could, or would have to, cancel a participant's certification.
- Allow a department of the State, a law enforcement agency, or a local unit of government to request the Attorney General to provide a participant's confidential address or telephone number if the information were required for a legitimate governmental purpose.
- Require the Attorney General, within four months after the Act's effective date, to certify a person applying for certification as an application assistant or victim advocate if he or she completed the appropriate training.
- Require the Attorney General to create a database that included listed information for each Program participant.
- Allow the Michigan Intelligence Operations Center access to the database under certain circumstances.
- Require the Department of State (SOS) to create a participation card for each Program participant.
- Allow the Attorney General, in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board, the DTMB, and the Department of State, to promulgate rules to implement the proposed Act.
- Create the "Confidential Address Fund" in the State Treasury.
- Prohibit certain conduct and prescribe a misdemeanor penalty for a violation.
- Require the Attorney General to establish an Address Confidentiality Program Advisory Council.
- Specify the membership of the Council, and require it to study the operations of and evaluate the Program and submit to the Legislature a report of the findings.

**Senate Bill 71 (S-1)** would amend the Michigan Election Law to do the following:

- Specify that a Program participant's voter registration application would be confidential and not subject to disclosure under the Freedom of Information Act (FOIA).
- Provide that, if a qualified voter were a Program participant, the Qualified Voter File would have to contain his or her unique ID number issued by the Attorney General.
- Require, for a Program participant, any poll list or poll book created for an election to include only the participant's name and a notation for the precinct election inspector to contact the city or township clerk.
- Require a participant to vote an absent ballot while he or she was enrolled in the Program.
- Require a city or township clerk who received an absent voter ballot application from a Program participant to mail a ballot to the participant at the designated address.

**Senate Bill 72** would amend the Revised School Code to prohibit the Department of Education, the Center for Educational Performance and Information (CEPI), a school district, a public school academy, an educational management organization, or an authorizing body from disclosing a pupil's confidential address if he or she, or his or her parent or legal guardian, obtained a participation card issued under the Address Confidentiality Program Act and the parent or legal guardian provided notice of the issuance of the card.

**Senate Bill 73 (S-1)** would amend the Michigan Vehicle Code to do the following:

- **Require an operator's or chauffeur's license applicant who was a Program participant to provide his or her participation card to the SOS.**
- **Require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued a driver license was certified as a Program participant, to issue a corrected driver license and mail it to the designated address.**
- **Allow an individual whose certification as a Program participant was renewed to renew his or her corrected license after paying the appropriate renewal fee.**

**Senate Bill 74 would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued an enhanced driver license or enhanced official State personal ID card was certified as a Program participant, to issue a corrected enhanced license or ID card and mail it to the designated address.**

**Senate Bill 75 (S-1) would amend Public Act 222 of 1972, which provides for the issuance of an official State personal ID card, to do the following:**

- **Require an applicant for an official State personal ID card who was a Program participant to provide his or her participation card to the SOS.**
- **Require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued an official State personal ID card was certified as a Program participant, to issue a corrected ID card and mail it to the designated address.**
- **Allow an individual whose certification as a Program participant was renewed to renew his or her ID card after paying the appropriate renewal fee.**

**Senate Bill 76 would amend the Revised Judicature Act to do the following:**

- **Specify that assistance provided by an application assistant or victim advocate under the proposed Address Confidentiality Program Act would not constitute the unauthorized practice of law.**
- **Allow a participant in the Address Confidentiality Program to claim an exemption from jury service for the period during which he or she was a Program participant.**

Senate Bill 70 (S-1) is tie-barred to Senate Bills 73 through 75 and Senate Bills 71 (S-1) through 76 are tie-barred to Senate Bill 70. Each bill, except Senate Bill 70 (S-1), would take effect 180 days after its enactment.

### **Senate Bill 70 (S-1)**

#### **Definitions**

"Confidential address" would mean the address of a Program participant's residence, as specified on an application to be a Program participant or on a notice of change of information that is classified confidential by the Department of the Attorney General.

"Designated address" would be defined as the mailing address at which the DTMB receives mail to forward to Program participants.

"Domestic violence" would mean the occurrence of any of the following by a person that is not an act of self defense:

- **Causing or attempting to cause physical or mental harm to a family or household member.**
- **Placing a family or household member in fear of physical or mental harm.**
- **Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.**

-- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

"Family or household member" would mean that term as defined in Section 1 of Public Act 389 of 1978. (Under that section, the term includes any of the following: a spouse or former spouse; an individual with whom the person resides or resided with, has or had a dating relationship, is or has engaged in a sexual relationship, or has a child in common; an individual to whom the person is related or was formerly related by marriage; and a minor child of an individual described above.)

"Human trafficking" would mean a violation of Chapter 67A (Human Trafficking) of the Penal Code. (Chapter 67A generally prohibits a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining an individual for forced labor or services.)

"Sexual assault" would mean a violation, attempted violation, or solicitation or conspiracy to commit a violation of Section 520b, 520c, 520d, 520e, 520f, or 520g of the Penal Code (which prohibit first-, second-, third-, or fourth-degree criminal sexual conduct (CSC), a second or subsequent offense of first-, second-, or third-degree CSC, or assault with intent to commit CSC, respectively).

"Stalking" would be defined as that term is defined in Section 411h or 411i of the Penal Code. (Those sections prohibit stalking and aggravated stalking, respectively, and define "stalking" as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.)

#### Application for the Address Confidentiality Program

Except for an individual required to register under the Sex Offenders Registry Act, the following individuals could apply, with the assistance of an application assistant or a victim advocate, for certification as a Program participant by the Department of the Attorney General:

- If changing his or her residence, an individual 18 years of age or older or an emancipated minor.
- If changing the residence of a minor, a legal parent or guardian of a minor appointed by a court.
- If the residence of a ward (an individual for whom a guardian is appointed) were changing, the guardian of a ward if he or she were granted the power to apply by a court under the Estates and Protected Individuals Code.

"Application assistant" would mean an employee or volunteer at an agency or organization that serves victims of domestic violence, stalking, human trafficking, or sexual assault who has received training and certification from the Department of the Attorney General to help individuals complete applications to become Program participants. "Victim advocate" would mean an employee of the Attorney General, the Department of State, or the DTMB who has received training and certification from the Attorney General to help individuals complete applications to become Program participants, and who is available to help individuals complete applications and is responsible for assisting participants in navigating through and accessing all aspects of the Program.

"Minor" would mean an individual under the age of 18 who is not emancipated.

The application would have to be filed with the Attorney General in the manner and form the Department prescribed, and would have to contain a notarized statement that met one of the following:

- If the applicant were an individual 18 years of age or older or an emancipated minor, a statement that disclosure of the address provided would increase the risk that he or she would

be threatened or physically harmed by another person or that he or she was a victim of domestic violence, stalking, human trafficking, or sexual assault.

- If the applicant were the legal parent or guardian of a minor appointed by a court, a statement by that parent that disclosure of the provided address would increase the risk that the minor would be threatened or physically harmed by another person or that he or she, or the minor, was a victim of domestic violence, stalking, human trafficking, or sexual assault.
- If the applicant were the guardian of a ward, a statement that disclosure of the provided address would increase the risk that the ward would be threatened or physically harmed by another person or that he or she was a victim of domestic violence, stalking, human trafficking, or sexual assault.

The application could provide an option for an applicant to select the type of victimization the applicant believed warranted the need for participation in the program. The Attorney General could not consider information provided or withheld under this option in certifying a Program participant.

The application also would have to contain the following:

- A knowing and voluntary designation of the DTMB as the agent for the purposes of receiving mail and service of process.
- The mailing address, telephone number, and e-mail address at which the Attorney General, the Department of State, or the DTMB could contact the individual, minor, or ward.
- The address of residence that the applicant requested not to be disclosed.
- The applicant's signature, the name and signature of any applicant assistant or victim advocate who assisted the applicant, and the date the application was signed.

The Attorney General would have to do all of the following after an individual, parent, or guardian filed a completed application:

- Unless the Attorney General knew that the confidential address provided in the application was not a new address, certify the individual, minor, or ward as a Program participant.
- Issue the Program participant a unique ID number and participation card.
- Classify each eligible address listed in the application as a confidential address.
- Provide the Program participant with information concerning the manner in which he or she could use the DTMB as his or her agent to receive mail and service of process.
- If the Program participant were eligible to vote, provide him or her with information concerning the voter registration process and voting as a Program participant.
- Provide the participant with information concerning the procedure for receiving a corrected driver license, corrected State personal ID card, or corrected enhanced driver license or State personal ID card.
- Provide the Program participant with information regarding methods to protect a confidential address, including information regarding the risks of disclosing the confidential address to other people and the risks of using social media and similar electronic technologies, including geotagging photographs; and other information that the Attorney General believed would help the participant protect his or her confidential address.

An individual, minor, or ward could not be certified as a Program participant if the Attorney General knew that the confidential address provided in the application was not an address that had been provided to the Secretary of State for that individual, minor, or ward.

A Program participant would have to update information provided in an application within 30 days after a change by submitting a notice of change of information to the Attorney General on a form prescribed by the Department.

A Program participant's name, unique ID number, confidential address, mailing address, telephone number, and e-mail address would not be a public record and would be exempt from disclosure under FOIA.

An offender who was required to be registered under the Sex Offenders Registration Act would not be eligible to submit an application and could not be certified as a Program participant.

#### Certification of a Minor

The certification of a minor as a Program participant would not prohibit a parent from voluntarily disclosing the minor's confidential address.

The certification of a minor as a Program participant would not amend or affect the enforceability of a custody or parenting time order issued by a court of competent jurisdiction, affect a parent's right to initiate a child custody action or use friend of the court services, or otherwise limit a court's authority in a child custody action.

#### Renewal Certification

Unless the certification was cancelled, as provided below, a Program participant's certification would be valid for four years from the date listed on his or her application.

A Program participant who continued to be eligible to participate in the Program could renew his or her certification. The renewal application would have to be on a form prescribed by the Attorney General, and would have to meet the requirements for an original application. A participant's renewal certification could not alter the unique ID number issued by the Attorney General.

If a program participant certified as a minor became 18 years of age or older while his or her certification remained valid, the Attorney General would have to mail a certification continuance application to that participant. The application would have to be on a form prescribed by the Attorney General, would have to meet the eligibility requirements, and would have to inform the participant of his or her right to choose to continue or discontinue in the Program. The participant could continue certification after becoming 19 years of age by completing the certification continuance application with the assistance of an application assistant or victim advocate and filing it before he or she became 19 years of age.

#### Use of Designated Address

A Program participant could request that a governmental entity use the designated address as his or her address. Except as provided for a municipally owned utility, and in the Michigan Election Law, if a request were made, a governmental entity would have to use the designated address. ("Municipally owned utility" would mean electric, gas, or water services provided by a municipality.) The Program participant could provide his or her participation card as proof of his or her certification. If a participant's employer, school, or institution of higher education were not a governmental entity, he or she could request the employer, school, or institution to use the designated address as his or her address.

The requirement to use the designated address would not apply to a municipally owned utility. An application submitted under the Act and the confidential address of a Program participant maintained by the utility could not be released, would not be a public record, would be exempt from disclosure under FOIA, and could be disclosed only as authorized under the Act.

On each day it was open for business, the DTMB would have to place all first-class, registered, and certified mail it received for a Program participant into an envelope or package and mail it to the participant at the address provided in his or her application for that purpose. The DTMB could contract with the United States Postal Service for special rates for mail forwarded in this manner.

After receiving service of process on behalf of a Program participant, the DTMB would have to forward it immediately by certified mail, return receipt requested, to the participant at the address provided in his or her application for that purpose. If a person intended to serve process on an individual and made an inquiry with the Attorney General or the DTMB to determine if the individual

was a Program participant, the Attorney General or the DTMB could confirm whether he or she was a Program participant, and could not disclose further information regarding the individual.

#### Cancellation of Certification

The Attorney General could cancel a Program participant's certification if the participant were not reachable at the mailing address, telephone number, or e-mail address provided in his or her application for 60 or more days.

The Attorney General would be required to cancel the certification under any of the following circumstances:

- The Program participant's application contained one or more false statements.
- The Program participant, or his or her legal parent or guardian appointed by a court for a minor that was a Program participant, as applicable, filed a notarized request for cancellation on a form prescribed by the Attorney General.
- The Program participant failed to file a renewal application while the initial certification was valid.
- The Program participant failed to file a continuance application before he or she turned 19 years of age.

The Attorney General could promulgate a rule to provide for a grace period for a renewal application.

#### Request for Confidential Address or Telephone Number

A department of the State, a law enforcement agency, or a local unit of government could request the Attorney General to provide a Program participant's confidential address, telephone number, or electronic mail address if the requesting entity required access to that information for a legitimate governmental purpose. A request could be submitted only if the department, law enforcement agency, or local unit was unsuccessful in contacting the Program participant using the designated address. After receiving a request, the Attorney General would have to confirm whether the individual, minor, or ward was a Program participant but could not disclose further information except as provided below.

After a request was filed and if the Program participant were not identified in the request as a suspect in a criminal investigation, the Attorney General would have to notify the Program participant of the request.

The Attorney General could grant the request if the Department determined that disclosure of the Program participant's confidential address, telephone number, or electronic mail address to the department, law enforcement agency, or local unit of government was necessary for a legitimate governmental purpose.

If a submitted request were for the confidential address, telephone number, or electronic mail address of a minor, the Attorney General would have to consider if disclosure of the requested information would be harmful to the Program participant.

A person who received a Program participant's confidential address, telephone number, or electronic mail address could not disclose that information to another person.

#### Application Assistant & Victim Advocate

The Attorney General would have to develop and offer a training program for application assistants and victim advocates to obtain certification under the Act. The Attorney General would have to certify a person applying for certification as an application assistant or victim advocate under the proposed Act if he or she had completed the training program. The Attorney General would have

include on the Department's website the names and contact information of the application assistants and victim advocates.

An application assistant or victim advocate who provided assistance under the proposed Act would not violate Section 916 of the Revised Judicature Act (which prohibits a person from practicing law or engaging in the law business unless he or she is licensed and authorized to practice law in Michigan).

#### Computerized Database

The Attorney General would have to create and maintain a computerized database that contained the name, unique ID number, confidential address, mailing address, telephone number, and e-mail address of each Program participant. The database also would have to include victimization information (described above) that was provided on an application. The Attorney General, the DTMB, and the Department of State could have access to the database as provided under the Act.

The Attorney General would have to ensure the databased immediately provided the DTMB and the Department of State, upon the certification of a Program participant, the information listed above, and upon the cancellation of a certification of a Program participant, that status.

The Michigan Intelligence Operation Center in the Michigan State Police could access the database under exigent circumstances and provide a Program participant's information to a law enforcement agency only if the Center received all of the following information from the requesting agency:

- The originating agency identifier.
- A description of the exigent circumstance that required the disclosure of the information from the database.
- The law enforcement agency's incident report number associated with the exigent circumstances.
- Whether the Program participant was a suspect in a criminal investigation related to the exigent circumstances.

The Michigan State Police would have to provide the Attorney General with notice if a Program participant's information were provided to a law enforcement agency. If the Program participant were not identified as a suspect in a criminal investigation, the Attorney General would have to forward the notice to the Program participant.

#### Participation Card

The Attorney General would have to create a participation card for the Program and issue it to each Program participant. The card would have to contain the participant's name and unique ID number, and the designated address.

#### Confidential Address Fund

The Confidential Address Fund would be created in the State Treasury. The Fund would have to be administered by the Attorney General. The State Treasurer could receive money or other assets from any source for deposit in the Fund. The Treasurer would have to direct the investment of the Fund and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would remain in the Fund and would not lapse to the General Fund. The Attorney General would have to develop and implement the Program within one year after an appropriation was made to the Confidential Address Fund to develop and implement the Program. The Attorney General would have to spend money from the Fund, on appropriation, to administer the Program.

#### Prohibitions & Penalties

A person would be prohibited from knowingly making a false statement in an application for certification.



Except as otherwise provided by law, a person who was authorized to access or was provided a Program participant's confidential address, telephone number, or e-mail address through the computerized database could not knowingly disclose that information to any other person unless the disclosure was authorized under the Act.

A violation of either prohibition would be a misdemeanor punishable by up to 93 days' imprisonment or a maximum fine of \$500, or both.

#### Address Confidentiality Program Advisory Council

The Attorney General would have to establish an Address Confidentiality Program Advisory Council composed of the following members, or their respective designees:

- The Attorney General.
- The Director of the DTMB.
- The Secretary of State.
- The executive director of the Michigan Coalition to End Domestic and Sexual Violence.
- The executive director of the Michigan Domestic and Sexual Violence Prevention and Treatment Board.
- A representative of the State Court Administrative Office.

Within four years after the proposed Act's effective date, the Council's first meeting would have to be called. Except as otherwise provided, information collected by the Council would be exempt from disclosure under FOIA. The Council could not deliberate toward or render a decision on public policy, and a meeting of the Council would not be subject to the Open Meetings Act.

Council members would have to serve without compensation; however, members could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

The Council would have to study the operations of and evaluate the Program, and prepare and submit to the Legislature a report of the findings. The Council could not include in the report a Program participant's name, confidential address, telephone number, or e-mail address, or any other information that could reasonably be expected to identify a Program participant. The report would be subject to FOIA.

### **Senate Bill 71 (S-1)**

#### Voter Registration Application

Under the Michigan Election Law, an elector entitled to register in an election precinct may do so by applying in person and signing a registration application before the clerk or assistant clerk of the township, city, or village in which the precinct is located. After receiving an elector's registration or change of address, the clerk must prepare a voter ID card for the elector, and forward it to the elector at his or her registration address. Under the bill, the voter registration application of an elector who was a Program participant would be confidential and not subject to disclosure under FOIA.

#### Qualified Voter File

Under the Election Law, the Qualified Voter File must contain specified information for each qualified voter, including the name, residence address, date of birth, and the driver license number or State personal ID card number or similar number issued by a designated voter registration agency.

Under the bill, if a qualified voter were a Program participant, the file also would have to contain the participant's unique ID number issued by the Attorney General.

If a qualified voter were a Program participant, the information contained in the Qualified Voter File for that participant, including his or her unique ID number, would be confidential and not subject to disclosure under FOIA. The information contained in the Qualified Voter File for a Program participant could be used, however, by an election official during the normal course of his or her duties as an election official.

### Poll Lists

Under the bill, for a Program participant, any poll list or poll book created for or used at an election could contain only the participant's name and a notation for the precinct election inspectors to contact the city or township clerk on how to process the elector who was a Program participant.

### Absent Voter Ballot Application

The Law prescribes the form of an absent voter ballot application. The bill would require an applicant to include on the application his or her street number (as currently required) or his or her designated address and Program participation ID number.

The Law also requires instructions for an absent ballot applicant to be included with the application. The bill would require the instructions to state the following: "The absent voter ballot application of an elector who is a program participant, as that term is defined in the address confidentiality program act, is confidential and not subject to disclosure under the freedom of information act...".

If the clerk of a city, township, or village receives an application for an absent voter ballot from a person registered to vote in that city, township, or village, and if the signature on the application matches the signature for the person contained in the Qualified Voter File or on the registration card, the clerk must mail, or personally deliver, one or a set of the ballots, as applicable, to the applicant. Under the bill, if the city or township clerk received an application for an absent voter ballot from a Program participant, the clerk would have to mail a ballot to that participant at the designated address provided to the participant by the Attorney General under the Address Confidentiality Program Act.

## **Senate Bill 72**

The Revised School Code requires the Superintendent of Public Instruction and the State Budget Director to ensure that the Department of Education and CEPI, respectively, comply with requirements pertaining to the collection, sale, or transmission of information collected for a pupil's education records.

In addition, the board of a school district or intermediate school district (ISD), board of directors of a public school academy (PSA), or governing board of an authorizing body, must ensure that the school district, ISD, PSA, or authorizing body complies with various requirements pertaining to the sale of pupil education records and parental notification and disclosure. ("Authorizing body" refers to an entity that issues a contract authorizing a PSA, an urban high school academy, or a school of excellence.)

If an educational management organization receives information that is part of a pupil's education records from any source as permitted, the educational management organization may not sell or provide the information to any other person except as provided in the Code. (An "educational management organization" is an entity that enters into a management agreement with a PSA, an urban high school academy, or a school of excellence.)

Also, the Code requires a school district, ISD, PSA, or authorizing body to develop a list of common uses for which a pupil's directory information may be disclosed and to develop an opt-out form that lists those instances.

All of the above would be subject to a provision in the bill that would prohibit the Department, CEPI, a school district, an ISD, a PSA, an educational management organization, or an authorizing

body from disclosing a pupil's confidential address if the pupil, or his or her parent or legal guardian, had obtained a participation card issued by the Attorney General under the Address Confidentiality Program Act and the parent or legal guardian provided notice of the issuance of the card, in a form and manner prescribed by the Department.

"Confidential address" would mean that term as defined in the Address Confidentiality Program Act.

### **Senate Bill 73 (S-1)**

#### Application for Driver License

An application for an operator's or chauffeur's license must be made in a manner prescribed by the SOS and must contain certain information, including the applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, and intent to make an anatomical gift. Under the bill, an applicant for an operator's or chauffeur's license who was a participant in the Address Confidentiality Program would have to provide to the SOS his or her participation card.

#### Corrected Driver License; Address Confidentiality Program

The bill would require the Secretary of State, beginning on February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued a driver license under the Vehicle Code was certified as a participant in the Address Confidentiality Program, to issue a corrected operator's or chauffeur's license to the individual by mailing it to his or her designated address. The license would have to display the designated address and could not display the individual's residence address. An individual who was issued a corrected license would have to destroy his or her old license and replace it with the corrected license.

An individual whose certification as a participant in the Address Confidentiality Program was renewed could renew a corrected driver license after paying the renewal fee under the Code.

("Address confidentiality program" and "designated address" would mean those terms as defined in the Address Confidentiality Program Act.)

The Secretary of State must issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. The license must include the licensee's full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, and signature, and the expiration date of the license. Under the bill, this requirement would apply except as provided above.

In addition, provisions of the Code governing the expiration of a driver license would apply except as provided in the bill.

#### "Highly Restricted Personal Information"

Under the Code, highly restricted personal information may not be disclosed except as expressly permitted in the Code or as otherwise expressly provided by law. "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, medical and disability information, and source documents presented by an applicant to obtain an operator's or chauffeur's license. The term includes emergency contact information.

Under the bill, highly restricted personal information also would include the confidential address of an individual enrolled in the Address Confidentiality Program under the Address Confidentiality Program Act. "Confidential address" would mean that term as defined in the proposed Act.

### **Senate Bill 74**

Under the Enhanced Driver License and Enhanced Official State Personal Identification Card Act, the SOS may issue an enhanced driver license or enhanced official State personal ID card to an applicant who provides satisfactory proof of his or her full legal name, United States citizenship, identity, date of birth, Social Security number, residence address, and a photographic identity document. Under the bill, the required information would include proof of enrollment in the Address Confidentiality Program, if applicable.

The bill would require the SOS, beginning on February 16, 2021, after receiving a notice from the Attorney General that an individual who had been issued an enhanced driver license or enhanced official State personal ID card was certified as a participant in the Address Confidentiality Program, to issue a corrected enhanced license or ID card to that individual by mailing it to his or her designated address. The enhanced license or ID card would have to display the individual's designated address and could not display his or her residence address.

These requirements would be in addition to those for individuals who were issued a corrected standard driver license under Senate Bill 73 or a corrected official State personal ID card under Senate Bill 75.

"Address confidentiality program" and "designated address" would mean those terms as defined in the Address Confidentiality Program Act.

### **Senate Bill 75 (S-1)**

The bill would make virtually the same amendments to Public Act 222 of 1972 regarding an official State personal ID card as Senate Bill 73 would make to the Vehicle Code regarding a driver license. These include amendments pertaining a requirement for a Program participant to provide his or her participation card for the purposes of applying for an ID card, the issuance of a corrected ID card to a participant in the Address Confidentiality Program, the renewal of a corrected ID card, the expiration of an ID card, and the definition of "highly restricted personal information".

### **Senate Bill 76**

Under Section 916 of the Revised Judicature Act, a person is prohibited from practicing law, engaging in the law business, or representing or designating himself or herself as an attorney and counselor, attorney at law, or lawyer, unless the person is regularly licensed to practice law in Michigan. Under the bill, an application assistant's or victim advocate's assistance provided under the Address Confidentiality Program Act would not violate Section 916.

Section 1307a of the Revised Judicature Act prescribes the qualifications for jurors, and allows certain individuals to claim an exemption from jury service. Under the bill, a participant in the Address Confidentiality Program could claim an exemption from jury service for the period during which he or she was a Program participant. The individual would have to provide his or her participation card to the court as evidence that he or she was a current participant in the Program.

MCL 168.509q et al. (S.B. 71)  
380.1136 (S.B. 72)  
257.40b et al. (S.B. 73)  
28.304 (S.B. 74)  
28.291 et al. (S.B. 75)  
600.916 & 600.1307a (S.B. 76)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Frequently, a victim of domestic abuse, sexual assault, stalking, or human trafficking must resort to switching jobs, changing his or her name, or moving in order to remain safe from his or her perpetrator and begin the recovery process. Sometimes, after a victim takes some or all of these steps, his or her perpetrator still finds the victim based on publicly available information, such as voting records or driver license registries. To minimize the information that does get disclosed publicly, some victims do not register to vote or renew their driver licenses. This limits their ability to participate in civic and public life, and serves to continue their victimization.

The Address Confidentiality Program would enable a victim of domestic abuse, sexual assault, stalking, or human trafficking to protect himself or herself by applying to keep his or her physical address confidential, at the time the individual's address changed. Participation in the Program would allow those victims to register to vote, participate in elections, drive, and conduct other activities without having to worry about the unnecessary disclosure of their new address or other personal information. At least 37 other states have similar protections for victims of these types of crimes. Michigan should join those states in ensuring that these victims have some method of protecting themselves and their families, which would allow them to feel safe and pursue their lives.

### **Opposing Argument**

Senate Bill 76 should not categorically exempt Program participants from jury service. Although these individuals' identities should be protected, courts already have the ability to excuse these individuals from jury service. This exemption should not be prescribed in statute.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

#### **Senate Bill 70 (S-1)**

The bill would create additional costs for the Departments of Attorney General and Technology, Management, and Budget.

The Department of Attorney General would incur costs associated with the creation of an application form, the creation of participation cards, development of a training program, and the creation of a database for Program participants. The Department has indicated that the estimated additional costs would be \$300,000 and would require additional General Fund/General Purpose appropriations. The bill also would create the Confidential Address Fund in the State Treasury. Once the Fund was created and contained sufficient deposits, the Department anticipates that the Fund would provide enough revenue to cover the operating costs associated with the creation and maintenance of the Address Confidentiality Program.

The primary costs for the Department of Technology, Management, and Budget would be associated with the requirement to mail all first-class, registered, and certified mail of Program participants to the mailing address the participants provided on their application. The DTMB would rent a post office box to be used for the Program at a cost of \$1,300 per year. Additionally, the bulk rate for mailing first class presorted parcels that would include 300 letters and up to 25 parcels per month is estimated at \$325 per month, or \$3,900 annually.

Also, the DTMB has estimated a labor cost associated with the mailings at \$785 per month or \$9,400 annually. Thus, the total costs for labor and mailing are estimated at \$1,100 monthly or \$13,200 annually. However, these costs would depend on the number of actual participants in the Program. Should the number of participants be more than 300, the costs would rise by an additional \$1,100 per month for each cohort of 300 additional participants.

### **Senate Bill 71 (S-1)**

The bill would have a minimal cost to the Department of State associated with updating the Qualified Voter File to revise information for participants in the proposed Address Confidentiality Program. Current annual appropriations should be able to absorb any costs to the Department for updating the Qualified Voter File.

Because of the expected low number of participants in the proposed Address Confidentiality Program, the costs to local units of government associated with the requirement to mail absentee ballots to participants should not create a significant cost to any one local unit of government. Thus, local units' annual appropriations should be able to absorb the cost.

### **Senate Bill 72**

The bill would have no impact on the Department of Education or CEPI, and would have an indeterminate impact on local school districts, intermediate school districts, and public school academies. The Department and CEPI do not keep address records of individual pupils. The Department and CEPI treat any individual's identifiable data confidential and do not share that information.

Local school districts, intermediate school districts, and public school academies that store pupil addresses would have an indeterminate cost in tracking students who were in the Address Confidentiality Program and ensuring that the information was kept confidential. The exact cost would vary throughout the State and would depend on the number of pupils participating in the Program, the technology system, and training for staff.

### **Senate Bills 73 (S-1)-75 (S-1)**

The bills would result in costs to the Department of State associated with the requirement for the Department to issue a corrected driver license, personal identification card, or enhanced driver license or enhanced ID card for participants in the Address Confidentiality Program. The current cost to the Department for issuing a corrected license or ID is \$9 per license or ID. According to the Department, 37 states currently have a program similar to the proposed Address Confidentiality Program, with the number of participants ranging from 100 to 4,200, depending on the state. Most states have 100 or fewer participants, with 11 states having 1,000 or more participants and the State of Washington having the most participants at 4,200. Thus, the cost to the Department for issuing corrected licenses or IDs is indeterminate and would depend on the number of participants in the proposed Program. The cost to the Department, for example, of having 500 participants would be an estimated \$4,500. The Department has indicated that it expects the number of participants would rise for the first few years as the Program was implemented, however, the estimated costs in the future again would be indeterminate and would depend on the number of new participants who enrolled annually.

The bills would have no fiscal impact on local government.

### **Senate Bill 76**

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

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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.