

HOUSE BILL NO. 5680

January 18, 2022, Introduced by Reps. Borton and Filler and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 8, 38, and 68 (MCL 780.758, 780.788, and 780.818), as amended by 2012 PA 457.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Based upon the victim's reasonable apprehension of
2 acts or threats of physical violence or intimidation by the
3 defendant or at defendant's direction against the victim or the
4 victim's immediate family, the prosecuting attorney may move that

1 the victim or any other witness not be compelled to testify at
2 pretrial proceedings or at trial for purposes of identifying the
3 victim as to the victim's address, place of employment, or other
4 personal identification without the victim's consent. A hearing on
5 the motion ~~shall~~**must** be in camera.

6 (2) The work address and address of the victim ~~shall~~**must** not
7 be in the court file or ordinary court documents unless contained
8 in a transcript of the trial or it is used to identify the place of
9 the crime. The work telephone number and telephone number of the
10 victim ~~shall~~**must** not be in the court file or ordinary court
11 documents except as contained in a transcript of the trial.

12 (3) Under section 24 of article I of the state constitution of
13 1963, guaranteeing to crime victims the right to be treated with
14 respect for their dignity and privacy, ~~all of the following~~
15 information and visual representations of a victim ~~are exempt from~~
16 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
17 ~~15.231 to 15.246~~**are subject to the following:**

18 (a) The home address, home telephone number, work address, and
19 work telephone number of the victim **are exempt from disclosure**
20 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
21 **15.246**, unless the address is used to identify the place of the
22 crime.

23 (b) A picture, photograph, drawing, or other visual
24 representation, including any film, videotape, or digitally stored
25 image of the victim, **are exempt from disclosure under the freedom**
26 **of information act, 1976 PA 442, MCL 15.231 to 15.246**, and, if the
27 picture, photograph, drawing, or other visual representation is
28 from a court proceeding that is made available to the public
29 through streaming on the internet or other means, the picture,

1 **photograph, drawing, or visual representation may be blurred.**

2 (c) The following information concerning a victim of child
3 abuse, criminal sexual conduct, assault with intent to commit
4 criminal sexual conduct, or a similar crime who was less than 18
5 years of age when the crime was committed **is exempt from disclosure**
6 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
7 **15.246:**

8 (i) The victim's name and address.

9 (ii) The name and address of an immediate family member or
10 relative of the victim, who has the same surname as the victim,
11 other than the name and address of the accused.

12 (iii) Any other information that would tend to reveal the
13 identity of the victim, including a reference to the victim's
14 familial or other relationship to the accused.

15 (4) Subsection (3) does not preclude the release of
16 information to a victim advocacy organization or agency for the
17 purpose of providing victim services.

18 Sec. 38. (1) Based upon the victim's reasonable apprehension
19 of acts or threats of physical violence or intimidation by the
20 juvenile or at the juvenile's direction against the victim or the
21 victim's immediate family, the prosecuting attorney may move or, in
22 the absence of a prosecuting attorney, the victim may request that
23 the victim or any other witness not be compelled to testify at any
24 court hearing for purposes of identifying the victim as to the
25 victim's address, place of employment, or other personal
26 identification without the victim's consent. A hearing on the
27 motion ~~shall~~**must** be in camera.

28 (2) Under section 24 of article I of the state constitution of
29 1963, guaranteeing to crime victims the right to be treated with

1 respect for their dignity and privacy, ~~all of the following~~
2 information and visual representations of a victim ~~are exempt from~~
3 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
4 ~~15.231 to 15.246~~: **are subject to the following:**

5 (a) The home address, home telephone number, work address, and
6 work telephone number of the victim **are exempt from disclosure**
7 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
8 **15.246.**

9 (b) A picture, photograph, drawing, or other visual
10 representation, including any film, videotape, or digitally stored
11 image of the victim, **are exempt from disclosure under the freedom**
12 **of information act, 1976 PA 442, MCL 15.231 to 15.246, and, if the**
13 **picture, photograph, drawing, or other visual representation is**
14 **from a court proceeding that is made available to the public**
15 **through streaming on the internet or other means, the picture,**
16 **photograph, drawing, or visual representation may be blurred.**

17 (c) The following information concerning a victim of child
18 abuse, criminal sexual conduct, assault with intent to commit
19 criminal sexual conduct, or a similar crime who was less than 18
20 years of age when the crime was committed **is exempt from disclosure**
21 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
22 **15.246:**

23 (i) The victim's name and address.

24 (ii) The name and address of an immediate family member or
25 relative of the victim, who has the same surname as the victim,
26 other than the name and address of the accused.

27 (iii) Any other information that would tend to reveal the
28 identity of the victim, including a reference to the victim's
29 familial or other relationship to the accused.

1 (3) Subsection (2) does not preclude the release of
2 information to a victim advocacy organization or agency for the
3 purpose of providing victim services.

4 Sec. 68. (1) Based upon the victim's reasonable apprehension
5 of acts or threats of physical violence or intimidation by the
6 defendant or at defendant's direction against the victim or the
7 victim's immediate family, the prosecuting attorney may move that
8 the victim or any other witness not be compelled to testify at
9 pretrial proceedings or at trial for purposes of identifying the
10 victim as to the victim's address, place of employment, or other
11 personal identification without the victim's consent. A hearing on
12 the motion ~~shall~~**must** be in camera.

13 (2) Under section 24 of article I of the state constitution of
14 1963, guaranteeing to crime victims the right to be treated with
15 respect for their dignity and privacy, ~~all of the following~~
16 information and visual representations of a victim are ~~exempt from~~
17 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
18 ~~15.231 to 15.246:~~**subject to the following:**

19 (a) The home address, home telephone number, work address, and
20 work telephone number of the victim **are exempt from disclosure**
21 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
22 **15.246.**

23 (b) A picture, photograph, drawing, or other visual
24 representation, including any film, videotape, or digitally stored
25 image of the victim, **are exempt from disclosure under the freedom**
26 **of information act, 1976 PA 442, MCL 15.231 to 15.246, and, if the**
27 **picture, photograph, drawing, or other visual representation is**
28 **from a court proceeding that is made available to the public**
29 **through streaming on the internet or other means, the picture,**

1 **photograph, drawing, or visual representation may be blurred.**

2 (c) The following information concerning a victim of child
3 abuse, criminal sexual conduct, assault with intent to commit
4 criminal sexual conduct, or a similar crime who was less than 18
5 years of age when the crime was committed **is exempt from disclosure**
6 **under the freedom of information act, 1976 PA 442, MCL 15.231 to**
7 **15.246:**

8 (i) The victim's name and address.

9 (ii) The name and address of an immediate family member or
10 relative of the victim, who has the same surname as the victim,
11 other than the name and address of the accused.

12 (iii) Any other information that would tend to reveal the
13 identity of the victim, including a reference to the victim's
14 familial or other relationship to the accused.

15 (3) Subsection (2) does not preclude the release of
16 information to a victim advocacy organization or agency for the
17 purpose of providing victim services.