



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 688 (as introduced 1-11-24)
Sponsor: Senator Stephanie Chang
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 5-1-24

CONTENT

The bill would amend the Juvenile Diversion Act to allow a researcher to submit a research request for a juvenile record to the State Court Administrative Office (SCAO) or an individual court and prescribe conditions for the use of such information, including redacting personally identifiable information.

The Act allows certain minors to be diverted from a family court before formal investigation and released to the custody of a parent, guardian, or custodian, or placement to which the minor and his or her parent, guardian, or custodian agreed for further resolution of the problem that initiated the investigation concerning the minor. If diverted, a minor's record must be destroyed within 28 days after the minor becomes 18 years of age.

Currently, a record kept under the Act must not be used by any person including a court official or law enforcement official for any purpose except in deciding on whether to divert a minor. Under the bill, a researcher could submit a research request for a record to the SCAO or an individual court as applicable. If the research request were granted, the applicable parties would have to negotiate the data use agreement for the requested records. The researcher would have to abide by all terms and conditions set forth in the agreement.

If the records were collected by a court official to be provided to a researcher, the records would have to be redacted of personally identifiable information as follows:

- If all the collected records had a common or unique identifier, such as a court case record number, petition number, or another identifier that was determined to be sufficient by the court and researcher, the SCAO or court official, as applicable, would have to redact the personally identifiable information before the records were provided to the researcher.
- If all the collected records did not have a common unique identifier, the SCAO or court official, as applicable, would have to work with the researcher to match the records and subsequently to redact the personally identifiable information.

"Personally identifiable information" would mean information about an individual that would reveal the individual's identity, including an individual's name, date of birth, Social Security number, address, and other information unique to an individual.

The bill would take effect October 1, 2024.

MCL 722.829

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would likely include indeterminate administrative costs for local courts and the SCAO associated with the duty to redact personally identifiable information when providing court

records. Costs on a case-by-case basis would likely be minor, but at scale, redaction could be time-consuming and labor intensive. Some training could be required for local court officials to comply with the redaction duties of the bill; additionally, the SCAO could have to develop one or more procedures for local court officials to follow when providing records that required redaction.

Fiscal Analyst: Michael Siracuse

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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.