

**SUBSTITUTE FOR
HOUSE BILL NO. 5724**

A bill to protect the safety of judges and certain other individuals; to protect certain information of judges and certain other individuals from disclosure; to provide for the powers and duties of certain state and local governmental officers and certain other people and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "judicial protection
2 act".

3 Sec. 2. As used in this act:

4 (a) "Immediate family member" means any of the following whose
5 permanent residence is the same as the judge's permanent residence:

6 (i) The judge's spouse.

7 (ii) The judge's child.



1 (iii) The judge's parent.

2 (iv) Any other familial relative of a judge.

3 (b) "Judge" means any of the following:

4 (i) A state court judge, which includes only a judge or justice
5 who is serving by election or appointment on the district court,
6 probate court, circuit court, court of appeals, or supreme court of
7 this state.

8 (ii) A federal judge as that term is defined in the Daniel
9 Anderl judicial security and privacy act, Public Law 117-263, or a
10 senior, recalled, or retired federal judge, and who serves, served,
11 or has a residential address in this state.

12 (iii) A judge serving on a tribal court for a federally
13 recognized tribe located in this state.

14 (c) "Person" means an individual, corporation, limited
15 liability company, partnership, firm, organization, association, or
16 other legal entity but does not include a public body.

17 (d) "Personal identifying information" means any 1 or more of
18 the following:

19 (i) Except as provided in section 3(5), date of birth.

20 (ii) Except for the city and township of residence, permanent
21 residential address.

22 (iii) Address of other property owned.

23 (iv) Home or cellular telephone number.

24 (v) State identification number or driver license number.

25 (vi) Social Security number.

26 (vii) Personal email address.

27 (viii) Federal or state tax identification number.

28 (ix) Personal credit, charge, or debit card information.



1 (x) Bank account information, including account or PIN
2 numbers.

3 (xi) License plate number or other unique identifier of a
4 vehicle that is owned, leased, or regularly used by a judge or a
5 judge's immediate family member.

6 (xii) Current or future school or day-care information
7 including, but not limited to, the name or address of the school or
8 day care attended, schedule of attendance, or route taken to or
9 from the school or day care by a judge or a judge's immediate
10 family member.

11 (xiii) Information on the employment location, except a court
12 house, of a judge or a judge's immediate family member including
13 the name or address of the employer, employment schedules, or
14 routes taken to or from the employer.

15 (e) "Public body" means any of the following:

16 (i) A state officer, employee, agency, department, division,
17 bureau, board, commission, council, authority, or other body in the
18 executive branch of the state government, but does not include the
19 governor or lieutenant governor, the executive office of the
20 governor or lieutenant governor, or employees thereof.

21 (ii) An agency, board, commission, or council in the
22 legislative branch of the state government.

23 (iii) A county, city, township, village, intercounty, intercity,
24 or regional governing body, council, school district, special
25 district, or municipal corporation, or a board, department,
26 commission, council, or agency thereof.

27 (iv) Except as provided under subparagraph (v), any other body
28 that is created by state or local authority or is primarily funded
29 by or through state or local authority, except that the judiciary,



1 including the office of the county clerk and its employees when
2 acting in the capacity of clerk to the circuit court, is not
3 included in the definition of public body.

4 (v) If approved by the supreme court, the judiciary.

5 (f) "Residential address" means the place that is the settled
6 home or domicile at which an individual legally resides and is a
7 residence as that term is defined in section 11 of the Michigan
8 election law, 1954 PA 116, MCL 168.11.

9 Sec. 3. (1) A judge may request that a public body or person
10 not publicly post or display the personal identifying information
11 of a judge or a judge's immediate family member.

12 (2) A judge may submit a written request, on a form prescribed
13 by the state court administrative office, to a public body or
14 person to prevent disclosure of or remove a public posting or
15 display of personal identifying information of the judge or the
16 judge's immediate family member. The form must include information
17 on the appropriate methods to provide the form to a public body or
18 person and require both of the following, as applicable:

19 (a) Proof of the judge's office and identity.

20 (b) The personal identifying information of the judge or the
21 judge's immediate family member that the judge desires to protect.

22 (3) A written request provided to a public body or person
23 under subsection (2) remains in force and effect until the judge
24 provides a signed written permission to allow the public body or
25 person to release some or all of the personal identifying
26 information.

27 (4) On the written delegation of authority by a state court
28 judge as that term is defined in section 2(b) (i) to the state court
29 administrative office, the state court administrative office may



1 submit a written request to a public body on behalf of a judge
2 under subsection (2). A written request under this subsection must
3 be given the same force and effect as a written request submitted
4 by a judge.

5 (5) To comply with section 19 of article VI of the state
6 constitution of 1963, a judge's date of birth may be obtained by
7 any person by contacting the state court administrative office.

8 Sec. 4. (1) Except as otherwise provided, a public body that
9 has received a request under section 3 shall not publicly post or
10 display or provide to a person the specified personal identifying
11 information of a judge or a judge's immediate family member, as
12 applicable. A public body that has already publicly posted or
13 displayed the specified personal identifying information shall
14 remove the personal identifying information within 10 business days
15 after receiving the request. This act does not require a public
16 body to permanently delete personal identifying information that is
17 not accessible to the public.

18 (2) Except as otherwise provided, a person that has received a
19 request under section 3 shall not publicly post or display or sell,
20 transfer, or provide to another person the specified personal
21 identifying information of a judge or a judge's immediate family
22 member, as applicable. A person that has already publicly posted or
23 displayed the personal identifying information shall remove the
24 personal identifying information within 10 business days after
25 receiving the request.

26 Sec. 5. This act does not apply to either of the following:

27 (a) The display of the personal identifying information of a
28 judge or a judge's immediate family member if the information is
29 relevant to and displayed as part of a news story, commentary,



1 editorial, or other speech on a matter of public concern.

2 (b) After the effective date of this act, personal identifying
3 information voluntarily published by the judge or the judge's
4 immediate family member.

5 Sec. 6. Any personal identifying information covered by a
6 written request under section 4(1) is exempt from disclosure under
7 section 13(1)(d) of the freedom of information act, 1976 PA 442,
8 MCL 15.243, by the public body that received the written request.

9 Sec. 7. (1) If a public body or a person is not complying with
10 this act, the judge or the judge's immediate family member may
11 commence a civil action to compel compliance or to enjoin further
12 noncompliance with this act.

13 (2) An action for injunctive relief against a local public
14 body or person must be commenced in the circuit court, and venue is
15 proper in any county in which the judge serves. An action for an
16 injunction against a state public body must be commenced in the
17 court of claims. If a judge or a judge's immediate family member
18 commences an action for injunctive relief, the judge or the judge's
19 immediate family member is not required to post security as a
20 condition for obtaining a preliminary injunction or a temporary
21 restraining order.

22 (3) An action for mandamus against a public body under this
23 act must be commenced in the court of appeals.

24 (4) If a public body or person is not complying with this act,
25 and a judge or a judge's immediate family member commences a civil
26 action against the public body or person for injunctive relief to
27 compel compliance or to enjoin further noncompliance with this act
28 and succeeds in obtaining relief in the action, the judge or
29 judge's immediate family member must recover court costs and actual



1 attorney fees for the action.

2 (5) It is not a defense to a violation of this act that the
3 personal identifying information disclosed was publicly available
4 from another source.

5 Sec. 8. This act must be construed liberally to effectuate the
6 legislative intent and the purpose of this act as complete and
7 independent authorization for the performance of each and every act
8 and thing authorized in the act, and all powers granted in this act
9 must be broadly interpreted to effectuate the intent and purpose of
10 this act and not as to limitation of powers.

11 Enacting section 1. This act takes effect 90 days after the
12 date it is enacted into law.

