

**SUBSTITUTE FOR  
HOUSE BILL NO. 4739**

A bill to amend 1985 PA 87, entitled  
"William Van Regenmorter crime victim's rights act,"  
(MCL 780.751 to 780.834) by adding section 8a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 8a. (1) Except as otherwise provided under this section,**  
2 **the prosecuting attorney shall keep the personal information of a**  
3 **victim confidential unless the personal information is a part of**  
4 **the res gestae of the charged crime.**

5           **(2) Except as otherwise provided under this section, the**  
6 **prosecuting attorney shall redact personal information of a victim**  
7 **required to be kept confidential under subsection (1) from both of**  
8 **the following documents:**

9           **(a) Subject to subsections (3), (4), and (9), a document**

1 provided to the defendant's counsel or the defendant.

2 (b) Subject to subsection (5), a document that the prosecuting  
3 attorney submits as an ordinary court document or that will be  
4 entered into the court file.

5 (3) The prosecuting attorney is not required to redact the  
6 personal information of a victim under subsection (2)(a) if either  
7 of the following applies:

8 (a) The document was obtained from the defendant or  
9 defendant's counsel, or was obtained from the defendant's or  
10 defendant's counsel's possession.

11 (b) The personal information was obtained from the defendant  
12 or defendant's counsel, or was obtained from the defendant's or  
13 defendant's counsel's possession.

14 (4) The prosecuting attorney is not required to redact  
15 personal information of a victim as provided under subsection  
16 (2)(a) if, on a motion by the prosecutor, the court enters a  
17 protective order restricting the defendant and defendant's counsel  
18 from disclosing or using the document for any purpose other than  
19 the litigation of the case in which the document was provided to  
20 the defendant or defendant's counsel.

21 (5) The prosecuting attorney is not required to redact  
22 personal information of a victim as provided under subsection  
23 (2)(b) if, on a motion by the prosecutor, the court enters a  
24 protective order placing the document to be entered into the court  
25 record under seal and not accessible to the public.

26 (6) Subject to subsection (7), the defendant or defendant's  
27 counsel shall redact personal information of a victim from any  
28 document that the defendant or defendant's counsel submits as an  
29 ordinary court document or that will be entered into the court

1 file.

2 (7) The defendant or defendant's counsel is not required to  
3 redact personal information of a victim as provided under  
4 subsection (6) if, on a motion by the defendant or defendant's  
5 counsel, the court enters a protective order placing the document  
6 to be entered into the court record under seal and not accessible  
7 to the public.

8 (8) This section does not alleviate the obligation otherwise  
9 required under law to make a victim available for interview by the  
10 other party.

11 (9) On motion by the defendant, and subject to subsection  
12 (12), the court may order the prosecuting attorney to provide  
13 personal information of a victim to the defendant's counsel or the  
14 defendant.

15 (10) A motion under subsection (9) must demonstrate that the  
16 requested personal information of a victim is reasonably necessary  
17 to provide an adequate defense.

18 (11) If the court grants a motion under subsection (9), the  
19 order must do all of the following:

20 (a) Limit the disclosure of the personal information of a  
21 victim to the extent the disclosure is reasonably necessary to  
22 provide an adequate defense.

23 (b) Except as provided in subdivision (c), require the  
24 personal information of a victim to remain in the exclusive custody  
25 of the defendant's counsel or the defendant if the defendant is not  
26 represented by counsel.

27 (c) Include conditions and terms for the defendant's counsel  
28 or, if the defendant is not represented by counsel, the defendant,  
29 to provide the personal information of a victim to the counsel's or

1 the defendant's agent, employee, or expert witness if it is  
2 necessary for a limited purpose that is approved by the court.

3 (d) Prohibit the reproduction, copying, or dissemination of  
4 the personal information of a victim unless authorized in the  
5 order.

6 (12) This section does not authorize the disclosure of the  
7 confidential address of a program participant.

8 (13) This section does not preclude the release of information  
9 to a victim advocacy organization or agency for the purpose of  
10 providing victim services.

11 (14) A person who is required to keep confidential or redact  
12 personal information of a victim under this section and who  
13 intentionally and willfully discloses that personal information in  
14 violation of this section is guilty of a misdemeanor punishable by  
15 imprisonment for not more than 93 days or a fine of not more than  
16 \$500.00, or both.

17 (15) As used in this section:

18 (a) "Confidential address" means that term as defined in  
19 section 3 of the address confidentiality program act, 2020 PA 301,  
20 MCL 780.853.

21 (b) "Internet identifier" means a designation used for self-  
22 identification or routing used in posting on the internet or in  
23 other internet communications.

24 (c) "Personal information" means the following information of  
25 an individual but does not include the location of a charged crime:

26 (i) Home address.

27 (ii) Telephone number and cellular telephone number.

28 (iii) Driver license number or official state personal  
29 identification card number.

- 1           (iv) Social Security number.
- 2           (v) Date of birth.
- 3           (vi) Place and address of employment.
- 4           (vii) Employee identification number.
- 5           (viii) Mother's maiden name.
- 6           (ix) Demand deposit account, savings account, or checking
- 7 account number, or other financial identification information.
- 8           (x) Credit card number.
- 9           (xi) Email address.
- 10          (xii) Internet identifier.
- 11          (xiii) Home address, telephone number, and cellular telephone
- 12 number of a family member.
- 13          (d) "Program participant" means that term as defined in
- 14 section 3 of the address confidentiality program act, 2020 PA 301,
- 15 MCL 780.853.