

HOUSE BILL NO. 5038

September 26, 2023, Introduced by Reps. Harris, Bezotte, Wozniak, Fox, Smit, Rigas, Beson, Bruck, St. Germaine, Johnsen, Slagh, Bierlein, DeBoyer, Posthumus, Maddock, Markkanen, Cavitt, Hoadley, Jaime Greene, Outman, Borton, Steele, Tisdell, Hall, DeSana, Kunse, Beeler, Schuette, Thompson, Aragona, Kuhn and BeGole and referred to the Committee on Judiciary.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
(MCL 15.231 to 15.246) by adding section 10c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10c. (1) A public body shall not prepare, or possess or
2 retain without correction, a public record that uses code words or
3 phrases, symbols, foreign language or non-English letters or
4 characters, or any other content that impedes an understanding of
5 the true subject of the record by one who reads only English or, if
6 created or maintained electronically, impedes discovery of the

1 record by an automated search of its true subject in English.

2 (2) A person that does either of the following is guilty of a
3 misdemeanor punishable by imprisonment for not more than 90 days or
4 a fine of not more than \$1,000.00, or both:

5 (a) Knowingly violates or causes a violation of subsection (1)
6 with the intent to avoid disclosure or identification of a public
7 record in response to a request for a public record under this act.

8 (b) Knowingly creates for, or transmits to, a public body a
9 writing that contains concealing content as described in subsection
10 (1) with the intent that the writing avoid being disclosed or
11 identified in response to a request for a public record under this
12 act.