

**SUBSTITUTE FOR
SENATE BILL NO. 70**

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
2 "address confidentiality program act".
3 Sec. 3. As used in this act:
4 (a) "Application assistant" means an employee or volunteer at



1 an agency or organization that serves victims of domestic violence,
2 stalking, human trafficking, or sexual assault who has received
3 training and certification from the department of the attorney
4 general to help individuals complete applications to become program
5 participants.

6 (b) "Confidential address" means the address of a program
7 participant's residence, as specified on an application to be a
8 program participant or on a notice of change of information as
9 provided under section 5 that is classified confidential by the
10 department of the attorney general.

11 (c) "Designated address" means the mailing address at which
12 the department of technology, management, and budget receives mail
13 to forward to program participants.

14 (d) "Domestic violence" means the occurrence of any of the
15 following acts by a person that is not an act of self-defense:

16 (i) Causing or attempting to cause physical or mental harm to a
17 family or household member.

18 (ii) Placing a family or household member in fear of physical
19 or mental harm.

20 (iii) Causing or attempting to cause a family or household
21 member to engage in involuntary sexual activity by force, threat of
22 force, or duress.

23 (iv) Engaging in activity toward a family or household member
24 that would cause a reasonable person to feel terrorized,
25 frightened, intimidated, threatened, harassed, or molested.

26 (e) "Family or household member" means that term as defined in
27 section 1 of 1978 PA 389, MCL 400.1501.

28 (f) "Governmental entity" means this state, a local unit of
29 government, or any department, agency, board, commission, or other



1 instrumentality of this state or a local unit of government.

2 (g) "Guardian of a ward" means a person who has qualified as a
3 guardian of a legally incapacitated individual under a court
4 appointment.

5 (h) "Human trafficking" means a violation of chapter LXVIIA of
6 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

7 (i) "Law enforcement agency" means that term as defined in
8 section 2 of the Michigan commission on law enforcement standards
9 act, 1965 PA 203, MCL 28.602.

10 (j) "Local unit of government" means a city, village,
11 township, or county in this state.

12 (k) "Minor" means an individual under the age of 18 who is not
13 emancipated under 1968 PA 293, MCL 722.1 to 722.6.

14 (l) "Municipally owned utility" means electric, gas, or water
15 services provided by a municipality.

16 (m) "Program" means the address confidentiality program
17 created under this act.

18 (n) "Program participant" means an individual who is certified
19 by the department of the attorney general as a program participant
20 under section 5.

21 (o) "Sexual assault" means a violation, attempted violation,
22 or solicitation or conspiracy to commit a violation of section
23 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA
24 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

25 (p) "Stalking" means that term as defined in section 411h or
26 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
27 750.411i.

28 (q) "Victim" means an individual who suffers direct or
29 threatened physical, financial, or emotional harm as the result of



1 a commission of a crime.

2 (r) "Victim advocate" means an employee of the department of
3 the attorney general, the department of state, or the department of
4 technology, management, and budget who has received training and
5 certification from the department of the attorney general to help
6 individuals complete applications to become program participants,
7 and who is available to help individuals complete the applications
8 and is responsible for assisting program participants in navigating
9 through and accessing all aspects of the program.

10 (s) "Ward" means that term as defined in section 1108 of the
11 estates and protected individuals code, 1998 PA 386, MCL 700.1108.

12 Sec. 5. (1) Subject to section 19(4), the address
13 confidentiality program is created in the department of the
14 attorney general.

15 (2) Except for an individual described in subsection (13), the
16 following individuals are eligible to apply to the program and may
17 submit an application, with the assistance of an application
18 assistant or a victim advocate, for certification as a program
19 participant by the department of the attorney general:

20 (a) If changing his or her residence, an individual who is 18
21 years of age or older or is an emancipated minor under 1968 PA 293,
22 MCL 722.1 to 722.6.

23 (b) If changing the residence of a minor, a legal parent or
24 the guardian of the minor appointed by a court.

25 (c) If the residence of a ward is changing, the guardian of
26 that ward if the guardian is granted the power to apply by a court
27 under section 5306 of the estates and protected individuals code,
28 1998 PA 386, MCL 700.5306.

29 (3) The application under subsection (2) must be filed with



1 the department of the attorney general in the manner and form
2 prescribed by the department of the attorney general and must
3 contain the following:

4 (a) A notarized statement that meets 1 of the following
5 requirements:

6 (i) If the applicant is an individual described under
7 subsection (2)(a), a statement by that individual that disclosure
8 of the address provided under subdivision (d) will increase the
9 risk that he or she will be threatened or physically harmed by
10 another person or that the individual is a victim of domestic
11 violence, stalking, human trafficking, or sexual assault.

12 (ii) If the applicant is the legal parent of a minor or the
13 guardian of a minor appointed by a court, a statement by that
14 parent of a minor or guardian that disclosure of the address
15 provided under subdivision (d) will increase the risk that the
16 minor will be threatened or physically harmed by another person or
17 that the parent or guardian, or the minor, is a victim of domestic
18 violence, stalking, human trafficking, or sexual assault.

19 (iii) If the applicant is the guardian of a ward as provided
20 under subsection (2)(c), a statement by that guardian that the
21 disclosure of the address provided under subdivision (d) will
22 increase the risk that the ward will be threatened or physically
23 harmed by another person or that the ward is a victim of domestic
24 violence, stalking, human trafficking, or sexual assault.

25 (b) A knowing and voluntary designation of the department of
26 technology, management, and budget as the agent for the purposes of
27 receiving mail and service of process.

28 (c) The mailing address, telephone number, and electronic mail
29 address, if applicable, at which the department of the attorney



1 general, the department of state, or the department of technology,
2 management, and budget, may contact the individual, minor, or ward.

3 (d) The address of residence that the applicant requests not
4 be disclosed.

5 (e) The signature of the applicant, the name and signature of
6 the application assistant or victim advocate who assisted the
7 applicant, and the date the application was signed.

8 (4) The application under subsection (2) may provide an option
9 for an applicant to select the type of victimization the applicant
10 believes warrants the need for participation in the program. The
11 department of the attorney general may not consider information
12 provided or withheld under this subsection in certifying a program
13 participant.

14 (5) The department of the attorney general shall do all of the
15 following after an individual, the parent or guardian of a minor,
16 or a guardian of a ward files a completed application:

17 (a) Except as provided in subsection (6), certify the
18 individual, minor, or ward as a program participant.

19 (b) Issue the program participant a unique identification
20 number and a participation card.

21 (c) Classify each eligible address listed in the application
22 as a confidential address.

23 (d) Provide the program participant with information
24 concerning the manner in which the program participant may use the
25 department of technology, management, and budget as the agent of
26 the program participant for the purposes of receiving mail and
27 service of process.

28 (e) If the program participant is eligible to vote, provide
29 the program participant with information concerning the process to



1 register to vote and to vote as a program participant under the
2 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

3 (f) Provide the program participant with information
4 concerning the procedure from which the program participant will
5 receive a corrected operator's or chauffeur's license under section
6 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a
7 corrected enhanced driver license or enhanced official state
8 personal identification card under section 4 of the enhanced driver
9 license and enhanced official state personal identification card
10 act, 2008 PA 23, MCL 28.304, or a corrected official state personal
11 identification card under section 2a of 1972 PA 222, MCL 28.292a.

12 (g) Provide the program participant with information regarding
13 methods to protect a confidential address, including, but not
14 limited to, information regarding the risks of disclosing the
15 confidential address to other persons and the risks of using social
16 media and other similar electronic technologies, including
17 geotagging photographs; and other information that the attorney
18 general determines would help the program participant protect his
19 or her confidential address.

20 (6) An individual, minor, or ward must not be certified as a
21 program participant if the department of the attorney general knows
22 the confidential address provided in the application as described
23 in subsection (3)(d) is an address that has been provided to the
24 secretary of state for that individual, minor, or ward.

25 (7) A program participant shall update information provided in
26 an application within 30 days after a change to that information
27 has occurred by submitting a notice of change of information to the
28 department of the attorney general on a form prescribed by the
29 department of the attorney general.



1 (8) Unless the certification is canceled under section 9, the
2 certification of a program participant is valid for 4 years from
3 the date listed on the application under subsection (3), on the
4 renewal application under subsection (10), or on the certification
5 continuance application under subsection (11).

6 (9) The department of the attorney general may, with proper
7 notice, cancel the certification of a program participant as
8 provided under section 9.

9 (10) A program participant who continues to be eligible to
10 participate in the program may renew the certification of the
11 program participant. The renewal application must be on a form
12 prescribed by the department of the attorney general and must meet
13 the requirements under subsections (2) and (3). A renewal of
14 certification of the program participant must not alter the unique
15 identification number issued under subsection (5)(b).

16 (11) If a program participant certified as a minor becomes 18
17 years of age or older while his or her certification remains valid,
18 the department of the attorney general shall mail a certification
19 continuance application to that program participant. The
20 certification continuance application must be on a form prescribed
21 by the department of the attorney general, must meet the
22 requirements under subsections (2) and (3), and must inform the
23 program participant of his or her right to choose to continue or
24 discontinue in the program. The program participant may continue
25 certification as a program participant after becoming 19 years of
26 age by completing the certification continuance application with
27 the assistance of an application assistant or victim advocate and
28 filing the application before the program participant becomes 19
29 years of age.



1 (12) An application submitted under this act and the
2 information of a program participant described under section 15(1)
3 is confidential, is not a public record, is exempt from disclosure
4 under the freedom of information act, 1976 PA 442, MCL 15.231 to
5 15.246, and may only be disclosed as authorized under this act.

6 (13) An offender who is required to be registered under the
7 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
8 is not eligible to submit an application and must not be certified
9 as a program participant.

10 (14) The department of the attorney general shall create a
11 participation card for the program. A participation card must
12 contain the name and unique identification number of a program
13 participant, and the designated address.

14 (15) The certification of a minor as a program participant
15 does not prohibit a parent from voluntarily disclosing the minor's
16 confidential address.

17 (16) The certification of a minor as a program participant
18 does not amend or affect the enforceability of a custody or
19 parenting time order issued by a court of competent jurisdiction,
20 affect a parent's right to initiate a child custody action or use
21 friend of the court services, or otherwise limit a court's
22 authority in a child custody action.

23 Sec. 7. (1) A program participant may request that a
24 governmental entity use the designated address as the program
25 participant's address. Except as otherwise provided in subsection
26 (6) and in the Michigan election law, 1954 PA 116, MCL 168.1 to
27 168.992, if a request is made under this subsection, a governmental
28 entity shall use the designated address. The program participant
29 may provide his or her participation card as proof of his or her



1 certification as a program participant.

2 (2) If a program participant's employer, school, or
3 institution of higher education is not a governmental entity, the
4 program participant may request that the employer, school, or
5 institution of higher education use the designated address as the
6 program participant's address.

7 (3) The department of technology, management, and budget
8 shall, on each day the department of technology, management, and
9 budget is open for business, place all first-class, registered, or
10 certified mail of a program participant that the department of
11 technology, management, and budget receives into an envelope or
12 package and mail that envelope or package to the program
13 participant at the mailing address the program participant provided
14 on the application under section 5(3)(c) for that purpose. The
15 department of technology, management, and budget may contract with
16 the United States Postal Service for special rates for the mail
17 forwarded under this subsection.

18 (4) Upon receiving service of process on behalf of a program
19 participant, the department of technology, management, and budget
20 shall immediately forward the process by certified mail, return
21 receipt requested, to the program participant at the mailing
22 address the program participant provided on the application under
23 section 5(3)(c) for that purpose.

24 (5) If a person intends to serve process on an individual and
25 makes an inquiry with the department of the attorney general or the
26 department of technology, management, and budget to determine if
27 the individual is a program participant, the department of the
28 attorney general or the department of technology, management, and
29 budget shall only confirm that the individual is or is not a



1 program participant and must not disclose further information
2 regarding the program participant.

3 (6) Subsection (1) does not apply to a municipally owned
4 utility. The confidential address of a program participant that is
5 maintained by a municipally owned utility must not be released, and
6 is not a public record and is exempt from disclosure under the
7 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

8 Sec. 9. (1) The department of the attorney general may cancel
9 the certification of a program participant if the program
10 participant is not reachable at the mailing address, telephone
11 number, and any electronic mail address provided under section
12 5(3)(c) for 60 or more days.

13 (2) The department of the attorney general shall cancel the
14 certification of a program participant in any of the following
15 circumstances:

16 (a) The program participant's application contained 1 or more
17 false statements.

18 (b) The program participant or the legal parent of or a
19 guardian appointed by a court for a minor that is a program
20 participant or the guardian of a ward that is a program participant
21 files a notarized request for cancellation on a form prescribed by
22 the department of the attorney general.

23 (c) The program participant fails to file a renewal
24 application while the initial certification as a program
25 participant is valid as provided in section 5(8). The department of
26 the attorney general may promulgate a rule to provide for a grace
27 period.

28 (d) The program participant fails to file a continuance
29 application required under section 5(11) before the program



1 participant becomes 19 years of age.

2 Sec. 11. (1) A department of this state, a law enforcement
3 agency, or a local unit of government may request the department of
4 the attorney general to provide the confidential address, telephone
5 number, and electronic mail address of a program participant if the
6 requesting department of this state, a law enforcement agency, or a
7 local unit of government requires access to the confidential
8 address, telephone number, or electronic mail address of the
9 program participant for a legitimate governmental purpose. A
10 request may only be submitted under this subsection if the
11 department of this state, the law enforcement agency, or the local
12 unit of government was unsuccessful in contacting the program
13 participant using the designated address. Upon receiving a request
14 under this subsection, the department of the attorney general shall
15 confirm whether an individual, minor, or ward is a program
16 participant but may not disclose further information except as
17 provided under subsections (3) and (4).

18 (2) Upon the filing of a request under this section and if the
19 program participant is not identified in the request as a suspect
20 in a criminal investigation, the department of the attorney general
21 shall promptly provide the program participant with notice of the
22 request.

23 (3) Subject to subsection (4), the department of the attorney
24 general may grant the request submitted under subsection (1) if the
25 department of the attorney general determines that disclosure of
26 the confidential address, telephone number, or electronic mail
27 address of the program participant to the requesting department of
28 this state, law enforcement agency, or local unit of government is
29 necessary for a legitimate governmental purpose.



1 (4) If a request submitted under subsection (1) is for the
2 confidential address, telephone number, or electronic mail address
3 of a minor, the department of the attorney general must consider if
4 disclosure of the information requested is harmful to the program
5 participant.

6 (5) A person who receives a confidential address, telephone
7 number, or electronic mail address of a program participant under
8 this section shall not disclose that information to another person.

9 Sec. 13. (1) The department of the attorney general shall
10 develop and offer a training program for application assistants and
11 victim advocates to obtain certification under this act.

12 (2) The department of the attorney general shall certify a
13 person applying for certification as an application assistant or as
14 a victim advocate under this act if that person has completed the
15 training program under subsection (1). The department of the
16 attorney general shall make available on its website the names and
17 contact information of the application assistants and victim
18 advocates.

19 (3) An application assistant or victim advocate who provides
20 assistance in accordance with this act does not violate section 916
21 of the revised judicature act of 1961, 1961 PA 236, MCL 600.916.

22 Sec. 15. (1) The department of the attorney general must
23 create and maintain a computerized database that contains the name,
24 unique identification number, confidential address, mailing
25 address, telephone number, and any electronic mail address of each
26 program participant. The database must also include information
27 described in section 5(4) that is provided on an application. The
28 department of the attorney general, the department of technology,
29 management, and budget, and the department of state may have access



1 to the database as required to implement this act.

2 (2) The department of the attorney general must ensure the
3 database under subsection (1) immediately provides the department
4 of technology, management, and budget and the department of state,
5 upon the certification of a program participant, the information
6 listed in subsection (1), and upon the cancellation of a
7 certification of a program participant under section 9, that
8 status.

9 (3) The Michigan intelligence operations center in the
10 department of state police shall only access the database created
11 under subsection (1) in exigent circumstances and provide a program
12 participant's information to a law enforcement agency if the center
13 receives all of the following information from the law enforcement
14 agency requesting the information:

15 (a) The originating agency identifier.

16 (b) A description of the exigent circumstances that require
17 the disclosure of information from the database.

18 (c) The law enforcement agency's incident report number
19 associated with the exigent circumstances described under
20 subdivision (b).

21 (d) Whether the program participant is a suspect in a criminal
22 investigation related to the exigent circumstances described under
23 subdivision (b).

24 (4) The department of state police shall promptly provide the
25 department of the attorney general with notice if a program
26 participant's information is provided to a law enforcement agency
27 under subsection (3). If the program participant is not identified
28 as a suspect in a criminal investigation, the department of the
29 attorney general shall promptly forward the notice to the program



1 participant.

2 Sec. 17. The department of the attorney general may, in
3 consultation with the Michigan domestic and sexual violence
4 prevention and treatment board, the department of technology,
5 management, and budget, and the department of state, promulgate
6 rules to implement this act in compliance with the administrative
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

8 Sec. 19. (1) The confidential address fund is created in the
9 state treasury. The fund shall be administered by the attorney
10 general.

11 (2) The state treasurer may receive money and assets from any
12 source for deposit into the fund. The state treasurer shall direct
13 the investment of the fund. The state shall credit to the fund
14 interest and earnings from fund investments.

15 (3) Money in the fund at the close of the fiscal year must
16 remain in the fund and must not lapse to the general fund.

17 (4) The department of the attorney general shall develop and
18 implement the program not less than 1 year after an appropriation
19 is made to the fund to develop and implement the program.

20 (5) The department of the attorney general shall expend money
21 from the fund, upon appropriation, for the purpose of administering
22 the program.

23 Sec. 21. (1) A person shall not knowingly make a false
24 statement in an application submitted under section 5.

25 (2) Except as otherwise provided by law, a person who is
26 authorized to access or is provided a confidential address,
27 telephone number, or electronic mail address of a program
28 participant under this act shall not knowingly disclose that
29 confidential address, telephone number, or electronic mail address



1 to any other person unless the disclosure is authorized under this
2 act.

3 (3) A person that violates this section is guilty of a
4 misdemeanor punishable by imprisonment for not more than 93 days or
5 a fine of not more than \$500.00, or both.

6 Sec. 23. (1) The department of the attorney general shall
7 establish an address confidentiality program advisory council
8 composed of the following members:

9 (a) The attorney general, or his or her designee.

10 (b) The director of the department of technology, management,
11 and budget, or his or her designee.

12 (c) The secretary of state, or his or her designee.

13 (d) The executive director of the Michigan Coalition to End
14 Domestic and Sexual Violence, or his or her designee.

15 (e) The executive director of the Michigan domestic and sexual
16 violence prevention and treatment board, or his or her designee.

17 (f) A representative of the state court administrative office.

18 (2) Not later than 4 years after the effective date of this
19 act, the first meeting of the advisory council must be called by
20 the member described under subsection (1)(a).

21 (3) Except as provided in subsection (6), information
22 collected by the advisory council under this section is exempt from
23 disclosure under the freedom of information act, 1976 PA 442, MCL
24 15.231 to 15.246.

25 (4) The advisory council shall not deliberate toward or render
26 a decision on public policy, and a meeting of the advisory council
27 is not a meeting of a public body under the open meetings act, 1976
28 PA 267, MCL 15.261 to 15.275.

29 (5) Members of the advisory council shall serve without



1 compensation. However, members of the advisory council may be
2 reimbursed for their actual and necessary expenses incurred in the
3 performance of their official duties as members of the advisory
4 council.

5 (6) The advisory council shall study the operations of and
6 evaluate the program, and prepare and submit a report to the
7 legislature of the findings. The advisory council shall not include
8 in the report the name, confidential address, telephone number, or
9 electronic mail address of a program participant or any other
10 information that could reasonably be expected to identify a program
11 participant. The report submitted under this subsection must be
12 made available to the public in compliance with the freedom of
13 information act, 1976 PA 442, MCL 15.231 to 15.246.

14 Enacting section 1. This act does not take effect unless all
15 of the following bills of the 100th Legislature are enacted into
16 law:

17 (a) Senate Bill No. 73.

18 (b) Senate Bill No. 74.

19 (c) Senate Bill No. 75.

