

**HOUSE 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 or guardian from voluntarily disclosing  
16 the minor's 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. Service by mail under this  
18 subsection of court papers, other than service of process, is  
19 complete 3 mailing days after the department of technology,  
20 management, and budget forwards the mail to the program  
21 participant.

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

28 (5) If a person intends to serve process on an individual and  
29 makes an inquiry with the department of the attorney general or the



1 department of technology, management, and budget to determine if  
2 the individual is a program participant, the department of the  
3 attorney general or the department of technology, management, and  
4 budget shall only confirm that the individual is or is not a  
5 program participant and, except as otherwise allowed under this  
6 subsection, must not disclose further information regarding the  
7 program participant. If process has been forwarded to a program  
8 participant under subsection (4), the department of technology,  
9 management, and budget shall disclose the date of mailing to the  
10 person attempting to serve the program participant.

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

16 Sec. 9. (1) The department of the attorney general may cancel  
17 the certification of a program participant if the program  
18 participant is not reachable at the mailing address, telephone  
19 number, and any electronic mail address provided under section  
20 5(3)(c) for 60 or more days.

21 (2) The department of the attorney general shall cancel the  
22 certification of a program participant in any of the following  
23 circumstances:

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

26 (b) The program participant or the legal parent of or a  
27 guardian appointed by a court for a minor that is a program  
28 participant or the guardian of a ward that is a program participant  
29 files a notarized request for cancellation on a form prescribed by



1 the department of the attorney general.

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

7 (d) The program participant fails to file a continuance  
8 application required under section 5(11) before the program  
9 participant becomes 19 years of age.

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

26 (2) Upon the filing of a request under this section and if the  
27 program participant is not identified in the request as a suspect  
28 in a criminal investigation, the department of the attorney general  
29 shall promptly provide the program participant with notice of the



1 request.

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

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

14 (5) Except as otherwise provided under section 21(2), a person  
15 who receives a confidential address, telephone number, or  
16 electronic mail address of a program participant under this section  
17 shall not disclose that information to another person.

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

21 (2) The department of the attorney general shall certify a  
22 person applying for certification as an application assistant or as  
23 a victim advocate under this act if that person has completed the  
24 training program under subsection (1). The department of the  
25 attorney general shall make available on its website the names and  
26 contact information of the application assistants and victim  
27 advocates.

28 (3) An application assistant or victim advocate who provides  
29 assistance in accordance with this act does not violate section 916



1 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.916.

2       Sec. 15. (1) The department of the attorney general must  
3 create and maintain a computerized database that contains the name,  
4 unique identification number, confidential address, mailing  
5 address, telephone number, and any electronic mail address of each  
6 program participant. The database must also include information  
7 described in section 5(4) that is provided on an application. The  
8 department of the attorney general, the department of technology,  
9 management, and budget, and the department of state may have access  
10 to the database as required to implement this act.

11       (2) The department of the attorney general must ensure the  
12 database under subsection (1) immediately provides the department  
13 of technology, management, and budget and the department of state,  
14 upon the certification of a program participant, the information  
15 listed in subsection (1), and upon the cancellation of a  
16 certification of a program participant under section 9, that  
17 status.

18       (3) The Michigan intelligence operations center in the  
19 department of state police shall only access the database created  
20 under subsection (1) in exigent circumstances and provide a program  
21 participant's information to a law enforcement agency if the center  
22 receives all of the following information from the law enforcement  
23 agency requesting the information:

24       (a) The originating agency identifier.

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

27       (c) The law enforcement agency's incident report number  
28 associated with the exigent circumstances described under  
29 subdivision (b).



1 (d) Whether the program participant is a suspect in a criminal  
2 investigation related to the exigent circumstances described under  
3 subdivision (b).

4 (4) The department of state police shall promptly provide the  
5 department of the attorney general with notice if a program  
6 participant's information is provided to a law enforcement agency  
7 under subsection (3). If the program participant is not identified  
8 as a suspect in a criminal investigation, the department of the  
9 attorney general shall promptly forward the notice to the program  
10 participant.

11 Sec. 17. The department of the attorney general may, in  
12 consultation with the Michigan domestic and sexual violence  
13 prevention and treatment board, the department of technology,  
14 management, and budget, and the department of state, promulgate  
15 rules to implement this act in compliance with the administrative  
16 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

17 Sec. 19. (1) The confidential address fund is created in the  
18 state treasury. The fund must be administered by the attorney  
19 general.

20 (2) The state treasurer may receive money and assets from any  
21 source for deposit into the fund. The state treasurer shall direct  
22 the investment of the fund. The state shall credit to the fund  
23 interest and earnings from fund investments.

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

26 (4) The department of the attorney general shall develop and  
27 implement the program not more than 2 years after an appropriation  
28 is made to the fund to develop and implement the program.

29 (5) The department of the attorney general shall expend money



1 from the fund, upon appropriation, for the purpose of administering  
2 the program.

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

5 (2) Except as otherwise provided by law, a person that is  
6 authorized under this act to access a confidential address,  
7 telephone number, or electronic mail address of a program  
8 participant or that is provided access to a confidential address,  
9 telephone number, or electronic mail address of a program  
10 participant under section 11 or 15(3) shall not knowingly disclose  
11 that confidential address, telephone number, or electronic mail  
12 address to any other person unless the disclosure is authorized  
13 under this act.

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

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

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

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

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

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

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

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

29 (g) A representative of a unit of local government.





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

4 (3) Except as provided in subsection (6), information  
5 collected by the advisory council under this section is exempt from  
6 disclosure under the freedom of information act, 1976 PA 442, MCL  
7 15.231 to 15.246.

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

12 (5) Members of the advisory council shall serve without  
13 compensation. However, members of the advisory council may be  
14 reimbursed for their actual and necessary expenses incurred in the  
15 performance of their official duties as members of the advisory  
16 council.

17 (6) The advisory council shall study the operations of and  
18 evaluate the program, and prepare and submit a report to the  
19 legislature of the findings. The advisory council shall not include  
20 in the report the name, confidential address, telephone number, or  
21 electronic mail address of a program participant or any other  
22 information that could reasonably be expected to identify a program  
23 participant. The report submitted under this subsection must be  
24 made available to the public in compliance with the freedom of  
25 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

29 (a) Senate Bill No. 73.



- 1 (b) Senate Bill No. 74.
- 2 (c) Senate Bill No. 75.

