



SENATE BILL No. 1067

March 17, 1994 Introduced by Senator HONIGMAN and referred
to the Committee on Local Government and Urban Development

A bill to amend section 3 of Act No 455 of the Public Acts
of 1982, entitled

"The library privacy act,"

being section 397 603 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 3 of Act No 455 of the Public Acts of
2 1982, being section 397 603 of the Michigan Compiled Laws, is
3 amended to read as follows

4 Sec 3 (1) A library record ~~shall not be~~ IS NOT subject
5 to the disclosure requirements of THE FREEDOM OF INFORMATION ACT,
6 Act No 442 of the Public Acts of 1976 as amended, being sec-
7 tions 15 231 to 15 246 of the Michigan Compiled Laws

8 (2) ~~Unless ordered by a court after giving the affected~~
9 ~~library notice of the request and an opportunity to be heard~~
10 ~~thereon~~ EXCEPT AS PROVIDED IN SUBSECTION (3), a library or an

1 employee or agent of a library shall not release or disclose a
2 library record or portion of a library record to any person with-
3 out the written consent of the person identified in that LIBRARY
4 record The procedure and form of giving written consent may be
5 determined by the library

6 (3) SUBSECTION (2) DOES NOT APPLY UNDER EITHER OF THE FOL-
7 LOWING CIRCUMSTANCES

8 (A) MATERIAL SPECIFIED IN THE LIBRARY RECORD OR THE PORTION
9 OF A LIBRARY RECORD IS OVERDUE THE LIBRARY SENDS WRITTEN NOTICE
10 THAT THE MATERIAL IS OVERDUE TO THE PERSON IDENTIFIED IN THE
11 LIBRARY RECORD OR THE PORTION OF A LIBRARY RECORD AS HAVING
12 OBTAINED THE MATERIAL AND THAT PERSON DOES NOT RETURN THE MATE-
13 RIAL, PAY FOR THE MATERIAL, OR ARRANGE FOR PAYMENT FOR THE MATE-
14 RIAL WITHIN A REASONABLE TIME AFTER NOTICE IS SENT A LIBRARY
15 MAY RELEASE OR DISCLOSE A LIBRARY RECORD OR PORTION OF A LIBRARY
16 RECORD UNDER THIS SUBDIVISION ONLY TO A PERSON DESIGNATED BY THE
17 LIBRARY AND ONLY TO ASSIST THE LIBRARY TO RECOVER THE OVERDUE
18 MATERIAL OR PAYMENT FOR THE OVERDUE MATERIAL OR TO COLLECT A FINE
19 FOR THE OVERDUE MATERIAL A LIBRARY IS NOT REQUIRED TO RELEASE
20 OR DISCLOSE A LIBRARY RECORD OR A PORTION OF A LIBRARY RECORD
21 PURSUANT TO THIS SUBDIVISION

22 (B) THE RELEASE OR DISCLOSURE IS ORDERED BY A COURT AFTER
23 GIVING THE AFFECTED LIBRARY NOTICE OF THE REQUEST FOR RELEASE OR
24 DISCLOSURE AND AN OPPORTUNITY TO BE HEARD At ~~a~~ THE hearing,
25 ~~conducted pursuant to subsection (2),~~ a library may appear and
26 be represented by counsel