

Legislative Analysis



FOIA EXEMPTION FOR ANONYMOUS PARTY IN CERTAIN CIVIL ACTIONS

Phone: (517) 373-8080
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House Bill 5797 (reported from committee as substitute H-1)
Sponsor: Rep. Kristy Pagan
Committee: Law and Justice
Complete to 5-23-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5797 would amend the Freedom of Information Act (FOIA) to exempt disclosure of information that would reveal the identity of an anonymous party in certain civil actions.

Michigan's FOIA statute, Public Act 442 of 1976, establishes procedures and requirements for the disclosure of public records by all public bodies in the state. There are two classes of public records: those subject to disclosure and those exempt from disclosure. Generally, all records are subject to disclosure unless specifically exempted.

The bill would create an exemption from disclosure for any information that would reveal the identity of a party who proceeds anonymously in a civil action in which that party alleges that he or she was the victim of *sexual misconduct*.

Sexual misconduct would mean sexual contact or penetration under the pretext of medical treatment; female genital mutilation of a child; accosting, enticing, or soliciting a child for an immoral purpose; child pornography; or criminal sexual conduct in the first, second, third, or fourth degree or assault with intent to commit criminal sexual conduct in the first, second, or third degree, regardless of whether the conduct resulted in a criminal conviction.

MCL 15.243

FISCAL IMPACT:

The bill would have no fiscal impact on state or local units of government.

POSITIONS:

The following organizations indicated support for the bill:

- Department of Attorney General (4-17-18)
- Michigan Domestic and Sexual Violence Prevention and Treatment Board (5-1-18)
- American Association of University Women (5-1-18)
- Wayne County SAFE Program (4-23-18)

Legislative Analyst: Emily S. Smith
Fiscal Analysts: Benjamin Gielczyk
Michael Cnossen

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