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BILL



ANALYSIS

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House Bill 5797 (Substitute H-1 as passed by the House)
Sponsor: Representative Kristy Pagan
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-4-18

CONTENT

The bill would amend the Freedom of Information Act (FOIA) to exempt from disclosure information that would reveal the identity of an anonymous party in a civil action alleging sexual misconduct.

Under the Act, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. A public body may exempt a public record from disclosure under a number of exemptions in the Act.

The bill also would allow a public body to exempt from disclosure information that would reveal the identity of a party who proceeded anonymously in a civil action in which the party alleged that he or she was the victim of sexual misconduct.

"Sexual misconduct" would mean conduct described in Section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g of the Michigan Penal Code, regardless of whether the conduct resulted in a criminal conviction. (Those sections prohibit the following conduct, respectively: sexual intercourse under the pretext of medical treatment, female genital mutilation, contributing to the neglect or delinquency of a minor, accosting or soliciting a minor for immoral purposes, accosting or soliciting a minor for immoral purposes after a prior conviction, child sexually abusive activity, first-, second-, third-, and fourth-degree criminal sexual conduct (CSC), and assault with intent to commit CSC.)

MCL 15.243

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Michael Siracuse

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