

Legislative Analysis



FOIA EXEMPTION FOR ANONYMOUS PARTY IN CERTAIN CIVIL ACTIONS

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House Bill 4378 as introduced
Sponsor: Rep. Kristy Pagan
Committee: Judiciary
Complete to 4-22-19

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

SUMMARY:

House Bill 4378 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, 1976 PA 442, 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

BACKGROUND INFORMATION:

House Bill 4378 is identical to House Bill 5797 of the 2017-18 legislative session, which was passed by the House of Representatives in May 2018.¹

FISCAL IMPACT:

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

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ See <http://legislature.mi.gov/doc.aspx?2018-HB-5797>