

HOUSE BILL NO. 4974

June 08, 2021, Introduced by Reps. Yancey and Filler and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 40b to chapter VII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 40b. (1) Except as otherwise provided under this section,
the prosecuting attorney shall keep the personal information of a
witness confidential unless the personal information is a part of
the res gestae of the charged crime.

1 (2) The prosecuting attorney shall redact the personal
2 information of a witness required to be kept confidential under
3 subsection (1) from both of the following:

4 (a) Any document provided to the defense counsel or the
5 defendant.

6 (b) Any document that the prosecuting attorney submits as an
7 ordinary court document or that will be entered into the court
8 file.

9 (3) This section does not alleviate the obligation otherwise
10 required under law to make a witness available for interview by the
11 other party.

12 (4) On motion by the defendant, the court may order the
13 prosecuting attorney to provide personal information to the defense
14 counsel or the defendant.

15 (5) A motion under subsection (4) must meet the following
16 requirements:

17 (a) Subject to subdivision (c), demonstrate that the personal
18 information requested is reasonably necessary to provide an
19 adequate defense.

20 (b) Explain the limited purpose for which the personal
21 information is sought.

22 (c) If the personal information sought is the confidential
23 address of a witness who is a program participant, the
24 demonstration under subdivision (a) must specify the reasons a
25 designated address is insufficient and the reasons a confidential
26 address is reasonably necessary to provide an adequate defense.

27 (6) If the court grants a motion under subsection (4), the
28 order must do all of the following:

29 (a) Limit the disclosure of the personal information to the

1 extent the disclosure is reasonably necessary to provide an
2 adequate defense.

3 (b) Specify the limited purpose for which the personal
4 information may be used.

5 (c) If the order requires the disclosure of the confidential
6 address of a program participant to the defense counsel or the
7 defendant, protect the confidential address from further
8 disclosure.

9 (d) Except as provided in subdivision (e), require the
10 personal information to remain in the exclusive custody of the
11 defense counsel or the defendant if the defendant is not
12 represented by counsel.

13 (e) Include conditions and terms for the defense counsel or,
14 if the defendant is not represented by counsel, the defendant, to
15 provide the personal information to the defense counsel's or the
16 defendant's agent, employee, or expert witness if necessary for a
17 limited purpose approved by the court.

18 (f) Prohibit the reproduction, copying, or dissemination of
19 the personal information not authorized in the order.

20 (7) A person who intentionally and willfully discloses
21 personal information in violation of this section is guilty of a
22 misdemeanor punishable by imprisonment for not more than 93 days or
23 a fine of not more than \$500.00, or both.

24 (8) As used in this section:

25 (a) "Confidential address" means that term as defined in
26 section 3 of the address confidentiality program act, 2020 PA 301,
27 MCL 780.853.

28 (b) "Designated address" means that term as defined in section
29 3 of the address confidentiality program act, 2020 PA 301, MCL

1 780.853.

2 (c) "Internet identifier" means a designation used for self-
3 identification or routing used in posting on the internet or in
4 other internet communications.

5 (d) "Personal information" means the following information of
6 a witness but does not include the location of a charged crime:

7 (i) Home address.

8 (ii) Telephone number and cellular telephone number.

9 (iii) Driver license number or official state personal
10 identification card number.

11 (iv) Social Security number.

12 (v) Date of birth.

13 (vi) Place and address of employment.

14 (vii) Employee identification number.

15 (viii) Mother's maiden name.

16 (ix) Demand deposit account, savings account, or checking
17 account number, or other financial identification information.

18 (x) Credit card number.

19 (xi) Email address.

20 (xii) Internet identifier.

21 (xiii) Home address, telephone number, and cellular telephone
22 number of a family member.

23 (e) "Program participant" means that term as defined in
24 section 3 of the address confidentiality act, 2020 PA 301, MCL
25 780.853.