

# HOUSE BILL NO. 5496

October 28, 2021, Introduced by Reps. Kuppa, Brabec, Clemente, Pohutsky, Sowerby, Cherry, Sneller, Lasinski, Breen, Hood, Brixie, Cynthia Johnson, Peterson, Haadsma, Aiyash, Cavanagh, LaGrand, Liberati, Yaroch, Rogers, Ellison, Manoogian, Hope, Stone, Bolden and Young and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled  
"William Van Regenmorter crime victim's rights act,"  
by amending sections 8, 38, and 68 (MCL 780.758, 780.788, and  
780.818), as amended by 2012 PA 457.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8. (1) Based upon the victim's reasonable apprehension of  
2 acts or threats of physical violence or intimidation by the  
3 defendant or at defendant's direction against the victim or the  
4 victim's immediate family, the prosecuting attorney **or the victim**

1 may move that the victim or any other witness not be compelled to  
2 testify at pretrial proceedings or at trial for purposes of  
3 identifying the victim as to the victim's address, place of  
4 employment, or other personal identification without the victim's  
5 consent. A hearing on the motion ~~shall~~**must** be in camera.

6 (2) The work address and address of the victim ~~shall~~**must** not  
7 be in the court file or ordinary court documents unless contained  
8 in a transcript of the trial or it is used to identify the place of  
9 the crime. The work telephone number and telephone number of the  
10 victim ~~shall~~**must** not be in the court file or ordinary court  
11 documents except as contained in a transcript of the trial.

12 (3) Under section 24 of article I of the state constitution of  
13 1963, guaranteeing to crime victims the right to be treated with  
14 respect for their dignity and privacy, all of the following  
15 information and visual representations of a victim are exempt from  
16 disclosure under the freedom of information act, 1976 PA 442, MCL  
17 15.231 to 15.246:

18 (a) The home address, home telephone number, work address, and  
19 work telephone number of the victim. ~~unless~~**Except as provided in**  
20 **subdivision (c), if** the address is used to identify the place of  
21 the crime, **the address is not exempt under this subsection.**

22 (b) A picture, photograph, drawing, or other visual  
23 representation, including any film, videotape, or digitally stored  
24 image of the victim.

25 (c) The following information concerning a victim of ~~child~~  
26 abuse, criminal sexual conduct, assault with intent to commit  
27 criminal sexual conduct, or a similar crime: ~~who was less than 18~~  
28 ~~years of age when the crime was committed:~~

29 (i) The victim's name and address.

(ii) The name and address of an immediate family member or relative of the victim, who has the same surname as the victim, other than the name and address of the accused.

(iii) Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused.

(4) Subsection (3) does not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

**(5) A victim of abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a similar crime may elect to have a pseudonym or initials represent the victim's name in the court file and in ordinary court documents.**

**(6) As used in this section, "abuse" means conduct described in section 81, 81a, 136b, or 145e, or chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.136b, 750.145e, and 750.462a to 750.462h, or other abusive conduct.**

Sec. 38. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney ~~may move or, in the absence of a prosecuting attorney, the victim may request~~ **move** that the victim or any other witness not be compelled to testify at any court hearing for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion ~~shall~~ **must** be in camera.

(2) Under section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with

1 respect for their dignity and privacy, all of the following  
2 information and visual representations of a victim are exempt from  
3 disclosure under the freedom of information act, 1976 PA 442, MCL  
4 15.231 to 15.246:

5 (a) The home address, home telephone number, work address, and  
6 work telephone number of the victim.

7 (b) A picture, photograph, drawing, or other visual  
8 representation, including any film, videotape, or digitally stored  
9 image of the victim.

10 (c) The following information concerning a victim of ~~child~~  
11 abuse, criminal sexual conduct, assault with intent to commit  
12 criminal sexual conduct, or a similar crime: ~~who was less than 18~~  
13 ~~years of age when the crime was committed:~~

14 (i) The victim's name. ~~and address.~~

15 (ii) The name and address of an immediate family member or  
16 relative of the victim, who has the same surname as the victim,  
17 other than the name and address of the accused.

18 (iii) Any other information that would tend to reveal the  
19 identity of the victim, including a reference to the victim's  
20 familial or other relationship to the accused.

21 (3) Subsection (2) does not preclude the release of  
22 information to a victim advocacy organization or agency for the  
23 purpose of providing victim services.

24 **(4) A victim of abuse, criminal sexual conduct, assault with**  
25 **intent to commit criminal sexual conduct, or a similar crime may**  
26 **elect to have a pseudonym or initials represent the victim's name**  
27 **in the court file and in ordinary court documents.**

28 **(5) As used in this section, "abuse" means conduct described**  
29 **in section 81, 81a, 136b, or 145e, or chapter LXVIIA of the**

1 Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.136b,  
2 750.145e, and 750.462a to 750.462h, or other abusive conduct.

3 Sec. 68. (1) Based upon the victim's reasonable apprehension  
4 of acts or threats of physical violence or intimidation by the  
5 defendant or at defendant's direction against the victim or the  
6 victim's immediate family, the prosecuting attorney **or the victim**  
7 may move that the victim or any other witness not be compelled to  
8 testify at pretrial proceedings or at trial for purposes of  
9 identifying the victim as to the victim's address, place of  
10 employment, or other personal identification without the victim's  
11 consent. A hearing on the motion ~~shall~~**must** be in camera.

12 (2) Under section 24 of article I of the state constitution of  
13 1963, guaranteeing to crime victims the right to be treated with  
14 respect for their dignity and privacy, all of the following  
15 information and visual representations of a victim are exempt from  
16 disclosure under the freedom of information act, 1976 PA 442, MCL  
17 15.231 to 15.246:

18 (a) The home address, home telephone number, work address, and  
19 work telephone number of the victim.

20 (b) A picture, photograph, drawing, or other visual  
21 representation, including any film, videotape, or digitally stored  
22 image of the victim.

23 (c) The following information concerning a victim of ~~child~~  
24 abuse, criminal sexual conduct, assault with intent to commit  
25 criminal sexual conduct, or a similar crime: ~~who was less than 18~~  
26 ~~years of age when the crime was committed:~~

27 (i) The victim's name. ~~and address.~~

28 (ii) The name and address of an immediate family member or  
29 relative of the victim, who has the same surname as the victim,

1 other than the name and address of the accused.

2 (iii) Any other information that would tend to reveal the  
3 identity of the victim, including a reference to the victim's  
4 familial or other relationship to the accused.

5 (3) Subsection (2) does not preclude the release of  
6 information to a victim advocacy organization or agency for the  
7 purpose of providing victim services.

8 (4) **A victim of abuse, criminal sexual conduct, assault with**  
9 **intent to commit criminal sexual conduct, or a similar crime may**  
10 **elect to have a pseudonym or initials represent the victim's name**  
11 **in the court file and in ordinary court documents.**

12 (5) As used in this section, "abuse" means conduct described  
13 in section 81, 81a, 136b, or 145e, or chapter LXVIIA of the  
14 Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.136b,  
15 750.145e, and 750.462a to 750.462h, or other abusive conduct.