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House Bill 5724 (Substitute S-3 as reported)
Sponsor: Representative Kelly Breen
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would enact the "Judicial Protection Act" to do the following:

- Allow a judge to request that a public body or person remove or not post the judge's or judge's family's personal identifying information.
- Require the Supreme Court Administrative Office (SCAO) to prescribe a request form.
- Require a public body or person that had already posted a judge's or family member's personal information to remove that information within five business days of a request.
- Allow the SCAO to submit a request on behalf of a State court judge.
- Specify that the Act would not apply to personal identifying information that was a matter of public concern, was voluntarily published by the judge or the judge's immediate family member, or was used for specified activities.
- Allow a judge or judge's family member to commence a civil action if a public body or person were not complying with a request and prescribe the process to compel compliance and seek injunctive relief.

The bill would take effect 180 days after its enactment.

BRIEF RATIONALE

In July 2020, a former litigant under Federal Judge Ester Salas came to her home posed as a delivery man and opened fire, killing her son and severely wounding her husband. The gunman obtained Judge Salas' personal identifying information and address online.¹ In response, the Federal Government enacted the Daniel Aderl Judicial Security and Privacy Act, which protects Federal judges personal identifying information. Accordingly, it has been suggested to enact a law to protect the personal identifying information of State-level judges.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could have a negative but minimal fiscal impact on State and local governments, the SCAO, and local court systems. Depending on the number of State and local governments that actually do post judges' personally identifying information online, some costs could be incurred to remove such information or appear in court once served with a summons. The SCAO could incur minor costs to make requests to remove personally identifying information on behalf of judges or justices. Local court systems could see an increase in filings or hearings that could incur administrative costs under the language of the bill. None of these costs for

¹ "Congress Passes the Daniel Aderl Judicial Security and Privacy Act" United States Courts. <https://www.uscourts.gov/news/2022/12/16/congress-passes-daniel-aderl-judicial-security-and-privacy-act> Retrieved 10-25-24.

State or local systems are expected to be excessive and likely could be absorbed by existing appropriations.

Date Completed: 10-29-24

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.