

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5724**

A bill to protect the safety of judges and certain other individuals; to protect certain information of judges and certain other individuals from disclosure; to provide for the powers and duties of certain state and local governmental officers and certain other people and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "judicial protection
2 act".

3 Sec. 2. As used in this act:

4 (a) "Immediate family member" means any of the following whose
5 permanent residence is the same as the judge's permanent residence:

6 (i) The judge's spouse.

7 (ii) The judge's child.

1 (iii) The judge's parent.

2 (iv) Any other familial relative of a judge.

3 (b) "Judge" means any of the following:

4 (i) A state court judge, which includes only a judge or justice
5 who is serving by election or appointment on the district court,
6 probate court, circuit court, court of appeals, or supreme court of
7 this state.

8 (ii) A federal judge as that term is defined in the Daniel
9 Anderl judicial security and privacy act of 2022, Public Law 117-
10 263, or a senior, recalled, or retired federal judge, and who
11 serves, served, or has a residential address in this state.

12 (iii) A judge serving on a tribal court for a federally
13 recognized tribe located in this state.

14 (c) "Person" means an individual, corporation, limited
15 liability company, partnership, firm, organization, association, or
16 other legal entity but does not include a public body.

17 (d) "Personal identifying information" means any 1 or more of
18 the following:

19 (i) Except as provided in section 3(5), date of birth.

20 (ii) Except for the city and township of residence, permanent
21 residential address.

22 (iii) Address of other property owned.

23 (iv) Home or cellular telephone number.

24 (v) State identification number or driver license number.

25 (vi) Social Security number.

26 (vii) Personal email address.

27 (viii) Federal or state tax identification number.

28 (ix) Personal credit, charge, or debit card information.

1 (x) Bank account information, including account or PIN
2 numbers.

3 (xi) License plate number or other unique identifier of a
4 vehicle that is owned, leased, or regularly used by a judge or a
5 judge's immediate family member.

6 (xii) Current or future school or day-care information
7 including, but not limited to, the name or address of the school or
8 day care attended, schedule of attendance, or route taken to or
9 from the school or day care by a judge or a judge's immediate
10 family member.

11 (xiii) Information on the employment location, except a court
12 house, of a judge or a judge's immediate family member including
13 the name or address of the employer, employment schedules, or
14 routes taken to or from the employer.

15 (e) "Public body" means any of the following:

16 (i) A state officer, employee, agency, department, division,
17 bureau, board, commission, council, authority, or other body in the
18 executive branch of the state government, but does not include the
19 governor or lieutenant governor, the executive office of the
20 governor or lieutenant governor, or employees of the governor or
21 lieutenant governor.

22 (ii) An agency, board, commission, or council in the
23 legislative branch of the state government.

24 (iii) A county, city, township, village, intercounty, intercity,
25 or regional governing body, council, school district, special
26 district, or municipal corporation, or a board, department,
27 commission, council, or agency.

28 (iv) Except as provided under subparagraph (v), any other body
29 that is created by state or local authority or is primarily funded

1 by or through state or local authority, except that the judiciary,
2 including the office of the county clerk and its employees when
3 acting in the capacity of clerk to the circuit court, is not
4 included in the definition of public body.

5 (v) If approved by the supreme court, the judiciary.

6 (f) "Publicly post or display" means to communicate or
7 otherwise make personal identifying information available to the
8 general public.

9 (g) "Residential address" means the place that is the settled
10 home or domicile at which an individual legally resides and is a
11 residence as that term is defined in section 11 of the Michigan
12 election law, 1954 PA 116, MCL 168.11.

13 (h) "Transfer" means to sell, license, trade, or exchange for
14 consideration the personal identifying information of a judge or
15 judge's immediate family member.

16 Sec. 3. (1) A judge may request that a public body or person
17 not publicly post or display the personal identifying information
18 of a judge or a judge's immediate family member.

19 (2) A judge may submit a written request, on a form prescribed
20 by the state court administrative office, to a public body or
21 person to remove a public posting or display of personal
22 identifying information of the judge or the judge's immediate
23 family member. The form must include both of the following:

24 (a) Proof of the judge's office and identity.

25 (b) The personal identifying information of the judge or the
26 judge's immediate family member that the judge desires to protect.

27 (3) A written request provided to a public body or person
28 under subsection (2) remains in force and effect until the judge
29 provides a signed written request to rescind or modify the prior

1 request.

2 (4) On the written delegation of authority by a state court
3 judge as that term is defined in section 2(b)(i) to the state court
4 administrative office, the state court administrative office may
5 submit a written request to a public body or person on behalf of a
6 judge under subsection (2). A written request under this subsection
7 must be given the same force and effect as a written request
8 submitted by a judge.

9 (5) To comply with section 19 of article VI of the state
10 constitution of 1963, a judge's date of birth may be obtained by
11 any person by contacting the state court administrative office.

12 (6) A written request provided to the office of the county
13 register of deeds must include a list of all instruments to be
14 protected by liber and page or other unique identifying number.

15 Sec. 4. (1) Except as otherwise provided, a public body that
16 has received a request under section 3 shall not publicly post or
17 display or provide to a person the specified personal identifying
18 information of a judge or a judge's immediate family member, as
19 applicable. A public body that has already publicly posted or
20 displayed the specified personal identifying information shall
21 remove the personal identifying information not later than 5
22 business days after receiving the request. This act does not
23 require a public body to permanently delete personal identifying
24 information that is not accessible to the public.

25 (2) Except as otherwise provided, a person that has received a
26 request under section 3 shall not publicly post or display or
27 transfer the specified personal identifying information of a judge
28 or a judge's immediate family member, as applicable. A person that
29 has already publicly posted or displayed the personal identifying

1 information shall remove the personal identifying information not
2 later than 5 business days after receiving the request.

3 (3) A public body may comply with the requirements of this
4 section by redacting the specified personal identifying information
5 that is publicly posted or displayed or by masking the entire
6 contents of a document or record that contains the specified
7 personal identifying information. This section does not alter or
8 amend a public body's obligations under the freedom of information
9 act, 1976 PA 442, MCL 15.231 to 15.246.

10 Sec. 5. This act does not apply to any of the following:

11 (a) The display of the personal identifying information of a
12 judge or a judge's immediate family member if the information is
13 relevant to and displayed as part of a news story, commentary,
14 editorial, or other speech on a matter of public concern.

15 (b) After the effective date of this act, personal identifying
16 information voluntarily published by the judge or the judge's
17 immediate family member.

18 (c) The dissemination of personal identifying information made
19 at the request of the judge or judge's immediate family member or
20 that is necessary to effectuate the request of the judge or judge's
21 immediate family member.

22 (d) The use of personal identifying information internally to
23 provide access to businesses under common ownership or affiliated
24 by corporate control, or to sell or provide data for a transaction
25 or service requested by or that concerns the individual whose
26 personal identifying information is being transferred.

27 (e) The provision of publicly available personal identifying
28 information by a real-time or near-real-time alert service for a
29 health or safety purpose.

1 (f) The use of personal identifying information by a consumer
2 reporting agency subject to the fair credit reporting act, 15 USC
3 1681 to 1681x.

4 (g) The use of personal identifying information by a
5 commercial entity engaged in the collection, maintenance,
6 disclosure, sale, communication, or use of personal identifying
7 information bearing on a consumer's credit worthiness, credit
8 standing, credit capacity, character, general reputation, personal
9 characteristics, or mode of living by a consumer reporting agency,
10 furnisher, or user that provides personal identifying information
11 for use in a consumer report, and by a user of a consumer report,
12 but only to the extent that such activity is regulated by and
13 authorized under the fair credit reporting act, 15 USC 1681 to
14 1681x.

15 (h) The use of personal identifying information by a
16 commercial entity using personal identifying information that was
17 collected, processed, sold, or disclosed in compliance with the
18 driver's privacy protection act of 1994, 18 USC 2721 to 2725.

19 (i) The use of personal identifying information subject to the
20 Gramm-Leach-Bliley act, 15 USC 6801 to 6809.

21 (j) The use of personal identifying information by a financial
22 institution, 1 or more of a financial institution's affiliates, or
23 an independent contractor acting on behalf of a financial
24 institution or a financial institution's affiliates, subject to the
25 Gramm-Leach-Bliley Act, 15 USC 6801 to 6809.

26 (k) The use of personal identifying information by an entity
27 covered by the privacy regulations promulgated under section 1320d-
28 2(c) of the health insurance portability and accountability act of
29 1996, 42 USC 1320d-2.

(l) Except as otherwise provided in this subdivision, the use of personal identifying information by a commercial entity to do any of the following: prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute any person responsible for any such action. A commercial entity that uses personal identifying information to do any of the activities described in this subdivision shall not disseminate the personal identifying information to the public or publicly post or display the personal identifying information.

(m) The collection and sale or licensing of personal identifying information incidental to conducting the activities under subdivisions (a) to (l).

(n) Nothing in this section prohibits a public body from providing access to records that contain the personal identifying information of a judge or judge's immediate family member to a person when the access is incidental to conducting the activities under subdivisions (a) to (l).

Sec. 6. Any personal identifying information covered by a written request under section 4(1) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243, by the public body that received the written request.

Sec. 7. (1) If 5 business days after a public body or a person has received a written request under section 3 the public body or person is not in compliance with this act, the judge or the judge's immediate family member may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public

1 body or person must be commenced in the circuit court, and venue is
2 proper in any county in which the judge serves. An action for an
3 injunction against a state public body must be commenced in the
4 court of claims. If a judge or a judge's immediate family member
5 commences an action for injunctive relief, the judge or the judge's
6 immediate family member is not required to post security as a
7 condition for obtaining a preliminary injunction or a temporary
8 restraining order.

9 (3) An action for mandamus against a public body under this
10 act must be commenced in the court of appeals.

11 (4) If a public body or person is not complying with this act,
12 and a judge or a judge's immediate family member commences a civil
13 action against the public body or person for injunctive relief to
14 compel compliance or to enjoin further noncompliance with this act
15 and succeeds in obtaining relief in the action, the judge or
16 judge's immediate family member must recover court costs and actual
17 attorney fees for the action.

18 (5) It is not a defense to a violation of this act that the
19 personal identifying information disclosed was publicly available
20 from another source.

21 Sec. 8. This act must be construed liberally to effectuate the
22 legislative intent and the purpose of this act as complete and
23 independent authorization for the performance of each and every act
24 and thing authorized in the act, and all powers granted in this act
25 must be broadly interpreted to effectuate the intent and purpose of
26 this act and not as to limitation of powers.

27 Enacting section 1. This act takes effect 180 days after the
28 date it is enacted into law.