

Legislative Analysis



ADDRESS CONFIDENTIALITY PROGRAM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5054 (H-1) as reported from committee
Sponsor: Rep. Diana Farrington

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

House Bill 5055 (H-1) as reported
Sponsor: Rep. Julie Calley

House Bill 5057 (H-1) as reported
Sponsor: Rep. Daire Rendon

House Bill 5056 (H-1) as reported
Sponsor: Rep. Kristy Pagan

House Bill 5058 (H-1) as reported
Sponsor: Rep. Kyra Harris Bolden

Committee: Judiciary
Complete to 2-25-20

SUMMARY:

The bills would amend various acts to implement the Address Confidentiality Program proposed by Senate Bill 70.¹ The Address Confidentiality Program, to be administered by the Department of Attorney General, would allow individuals at risk of being threatened or physically harmed by another person or victims of domestic violence, stalking, human trafficking, or sexual assault to apply for and receive a “designated address” to be used generally in place of their actual address for their own protection.

“Program participant” would be defined in each bill to mean that term as defined in the Address Confidentiality Program Act proposed by Senate Bill 70. Each bill is tie-barred to SB 70, which means that none of these bills could take effect unless SB 70 were also enacted.

House Bill 5054 would amend the Sexual Assault Victim’s Access to Justice Act. Currently, if a sexual assault victim requests certain information from an investigating law enforcement agency, the victim may specify whether the response is to be provided by telephone, by email, or in writing mailed to the victim. Under the bill, if the sexual assault victim was a program participant who requested that the information be mailed to his or her designated address, the law enforcement agency would have to send the written response to that address.

MCL 752.954

House Bill 5055 would amend the Code of Criminal Procedure. Currently, after investigating or intervening in a domestic violence incident, a peace officer is required to provide the victim with a copy of a written notice that includes certain information, including the legal right to petition for a personal protection order (PPO) and conduct from which the abuser could be restrained or enjoined. Under the bill, the PPO would also have to include, as conduct that could be restrained, the following:

- Injuring, killing, torturing, neglecting, removing, or retaining an animal in which the victim has an ownership interest to cause the victim mental distress or to exert control over the victim.

¹ See <http://legislature.mi.gov/doc.aspx?2019-SB-0070>

- Threatening to injure, kill, torture, or neglect an animal in which the victim has an ownership interest to cause the victim mental distress or to exert control over the victim.

In addition, once the Address Confidentiality Program was implemented, the written notice would also have to include substantially the following statement:

If you change your residence and would like to keep your new address confidential, you may apply to the Department of Attorney General for certification as a program participant in the Address Confidentiality Program.

MCL 764.15c

House Bills 5056, 5057, and 5058 would amend the William Van Regenmorter Crime Victim's Rights Act. The act was created to establish various rights for victims of adult felonies, juvenile offenses, and serious misdemeanors and is divided into three articles that respectively apply to victims of these crimes. Under the act, among other things, victims have the right to be notified of the status of the case, to receive notification when the defendant is released on probation or parole, to address the parole board in person or in writing, and to receive restitution for injuries or property damage sustained by the crime.

The bills would amend each of the act's three articles to do the following:

- Specify that in performing a duty to provide notice by mail under each of the act's articles or Article I of the State Constitution, the court, the Department of Corrections, the Department of Health and Human Services, the county sheriff, or the prosecuting attorney would have to mail the notice to the address provided by the victim. If the victim were a program participant, he or she could provide his or her designated address. (However, as specified in SB 70, a state department, law enforcement agency, or local unit of government could request and obtain the confidential address from the AG for legitimate governmental purposes.)
- Allow a victim who receives a notice under the act to use his or her designated address if he or she is a program participant.
- Require the form provided to a victim to receive certain notifications when the defendant, or the juvenile, is sentenced to a term of probation or imprisonment, or placed in a juvenile facility, to include a statement that the victim may use his or her designated address to receive notices if he or she is a program participant.

MCL 780.752a, 780.756, and 780.763a (HB 5056)

MCL 780.811b, 780.816, and 780.828a (HB 5057)

MCL 780.781a, 780.786, and 780.791a (HB 5058)

BRIEF DISCUSSION:

By some estimates, one in four women and one in nine men have experienced intimate partner violence, and four of five Indigenous women have experienced violence. All too often, the violence doesn't end when the relationship does. Putting distance between a former partner or perpetrator of violence does not necessarily guarantee that a victim will not be found, as often a new address can be easily located via the internet by a persistent stalker. The bill package,

along with Senate Bills 70 to 76 (which are still pending House committee action), seeks to provide a greater level of protection to women and men who have been victims of domestic violence, human trafficking, stalking, or sexual assault.

In an attempt to reduce the risk to victims of violence, at least 37 states have adopted programs that keep the actual address of program participants hidden. When a physical address must be provided, whether for a magazine subscription or a driver's license or when enrolling a child in school, program participants can use a designated address provided by the state agency administering the program. Under the bills, the attorney general would oversee the program. There is no guarantee that participation in the program will keep a victim safe from a persistent stalker, but address confidentiality programs do provide another layer of protection and enable victims to resume normal activities of life, such as registering to vote or buying a house, without fearing that public records could betray their whereabouts to those seeking to do them harm.

FISCAL IMPACT:

House Bills 5054 and 5055 would not have a significant fiscal impact on the Department of State Police (MSP) or other law enforcement agencies.

House Bills 5056, 5057, and 5058 would not create a significant increase in costs for the state or local units of government.

POSITIONS:

The following entities indicated support for the bills:

Michigan State Police (11-5-19)

Michigan Junior Leagues (2-11-20)

Michigan Coalition to End Domestic and Sexual Violence (1-14-20)

Michigan Poverty Law Program (1-14-20)

Prosecuting Attorneys Association of Michigan (1-14-20)

Safe and Just Michigan (11-5-19)

American Association of University Women (1-14-20)

Legislative Analyst: Susan Stutzky
Fiscal Analysts: Marcus Coffin
Viola Wild

■ 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.