



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 655 (Substitute S-1 as reported)
Senate Bill 656 (Substitute S-2 as reported)
Senate Bill 657 (Substitute S-1 as reported)
Senate Bill 658 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 954 (Substitute S-1 as reported)
Senate Bill 955 (Substitute S-1 as reported)
Senate Bill 956 (Substitute S-1 as reported)
Sponsor: Senator Margaret E. O'Brien (S.B. 655 & 656)
Senator Rick Jones (S.B. 657 & 954-956)
Senator Tonya Schuitmaker (S.B. 658)
Committee: Judiciary

CONTENT

Senate Bill 655 (S-1) would create the "Address Confidentiality Program Act" to do the following:

- Establish the Address Confidentiality Program in the Department of the Attorney General (referred to below as the Attorney General) and allow an individual to participate if he or she were a victim of domestic violence, stalking, human trafficking, or sexual assault, or risked physical harm if his or her address were disclosed.
- Allow an individual 18 years of age or older, the parent or guardian of a minor, or the guardian of a ward to apply for certification on behalf of himself or herself, or his or her minor or ward, as a participant in the Program, beginning 180 days after the proposed Act's effective date.
- Allow a person to apply at the time the individual's, minor's, or ward's residence was changing.
- Provide that a person could apply with the assistance of an application assistant or victim advocate.
- Prescribe the information to be included in an application for the Program.
- Require the Attorney General, after receiving an application, to certify the individual as a Program participant, issue him or her a unique identification number, and classify each eligible address in the application as a confidential address.
- Specify that a certification as a Program participant would last for four years, unless canceled as provided under the proposed Act.
- Allow a Program participant to request that a governmental entity use the designated address (a mailing address at which the Department of Technology, Management, and Budget would receive participants' mail), and require a governmental entity to do so, unless otherwise specified.
- Prescribe procedures that the Department of Technology, Management, and Budget (DTMB) would have to use in forwarding a Program participant's mail or process served on the participant.
- Prescribe the circumstances under which the Attorney General could, or would have to, cancel a participant's certification.

- Allow a department of the State, a law enforcement agency, or a local unit of government to request the Attorney General to provide a participant's confidential address or telephone number if the information were required for a legitimate governmental purpose.
- Require the Attorney General, within four months after the Act's effective date, to certify a person applying for certification as an application assistant or victim advocate if he or she completed the appropriate training.
- Require the Attorney General, within 180 days after the Act's effective date, to create a database that included listed information for each Program participant.
- Require the Department of State to create a participation card for each Program participant.
- Allow the Attorney General, in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board, the DTMB, and the Department of State, to promulgate rules to implement the proposed Act.
- Create the "Confidential Address Fund" in the State Treasury.
- Prohibit certain conduct and prescribe a misdemeanor penalty for a violation.
- Require the Attorney General to establish an Address Confidentiality Program Advisory Council, and require the Council to submit a report to the Legislature of findings in evaluating the Program.

Senate Bill 656 (S-2) would amend the Michigan Election Law to do the following:

- Specify that a Program participant's voter registration application would be confidential and not subject to disclosure under the Freedom of Information Act.
- Provide that, if a qualified voter were a Program participant, the Qualified Voter File would have to contain his or her unique ID number issued by the Attorney General.
- Require, for a Program participant, any poll list or poll book created for an election to include only the participant's name and a notation for the precinct election inspector to contact the city or township clerk.
- Specify that "absent voter" would include a qualified and registered elector who was a participant in the Address Confidentiality Program and provided his or her Program participant ID number.
- Require a participant to vote an absent ballot while he or she was enrolled in the Program.
- Require a city or township clerk who received an absent voter ballot application from a Program participant to mail a ballot to the participant at the designated address.

Senate Bill 657 (S-1) would amend the Revised Judicature Act to do the following:

- Specify that assistance provided by an application assistant or victim advocate under the proposed Address Confidentiality Program Act would not constitute the unauthorized practice of law.
- Allow a participant in the Address Confidentiality Program to claim an exemption from jury service for the period during which he or she was a Program participant.

Senate Bill 658 (S-2) would amend the Revised School Code to prohibit the Department of Education, the Center for Educational Performance and Information (CEPI), a school district, a public school academy, an educational management organization, or an authorizing body from disclosing a pupil's confidential address if the pupil, or his or her parent or legal guardian, obtained a participation card issued under the Address Confidentiality Program Act and the parent or legal guardian provided notice of the issuance of the card.

Senate Bill 954 (S-1) would amend the Michigan Vehicle Code to do the following:

- Require an operator's or chauffeur's license applicant who was a Program participant to provide his or her participation card to the Secretary of State (SOS).

- Require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued a driver license was certified as a Program participant, to issue a corrected driver license and mail it to the designated address.
- Allow an individual whose certification as a Program participant was renewed to renew his or her corrected license after paying the appropriate renewal fee.

Senate Bill 955 (S-1) would amend Public Act 222 of 1972, which provides for the issuance of an official State personal ID card, to do the following:

- Require an applicant for an official State personal ID card who was a Program participant to provide his or her participation card to the SOS.
- Require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued an official State personal ID card was certified as a Program participant, to issue a corrected ID card and mail it to the designated address.
- Allow an individual whose certification as a Program participant was renewed to renew his or her ID card after paying the appropriate renewal fee.

Senate Bill 956 (S-1) would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to require the SOS, beginning February 16, 2021, after receiving notice from the Attorney General that an individual who had been issued an enhanced driver license or enhanced official State personal ID card was certified as a Program participant, to issue a corrected enhanced license or ID card and mail it to the designated address.

MCL 168.509q et al. (S.B. 656)
 600.916 & 600.1307a (S.B. 657)
 380.1136 (S.B. 658)
 257.40b et al. (S.B. 954)
 28.291 et al. (S.B. 955)
 Proposed MCL 28.304a (S.B. 956)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 655 (S-1) would create an additional cost for the Departments of Attorney General and Technology, Management, and Budget.

The Department of Attorney General would incur costs associated with the creation of an application form, the creation of participation cards, development of a training program, and the creation of a database for Program participants. The Department has indicated that the estimated additional costs would be \$300,000 and would require additional GF/GP appropriations. The bill also would create of the Confidential Address Fund in the State Treasury. Once the Fund was created and contained sufficient deposits, the Department anticipates that the Fund would provide enough revenue to cover the operating costs associated with the creation and maintenance of the Address Confidentiality Program.

The primary costs for the Department of Technology, Management, and Budget would be associated with the requirement to mail all first-class, registered, and certified mail of Program participants to the mailing address the participants provided on their application. The DTMB would rent a post office box to be used for the Program at a cost of \$1,300 per year. Additionally, the bulk rate for mailing first class presorted parcels that would include 300 letters and up to 25 parcels per month is estimated at \$325 per month, or \$3,900 annually. Also, the DTMB has estimated a labor cost associated with the mailings at \$785 per month or \$9,400 annually. Thus, the total costs for labor and mailing are estimated at \$1,100 monthly

or \$13,200 annually. However, these costs would depend on the number of actual participants in the Program. Should the number of participants be more than 300, the costs would rise by an additional \$1,100 per month for each cohort of 300 additional participants.

Finally, any increase in misdemeanor arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, and jails. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 656 (S-2) would have a minimal cost to the Department of State associated with updating the Qualified Voter File to revise information for participants in the proposed Address Confidentiality Program. Current annual appropriations should be able to absorb any costs to the Department for updating the Qualified Voter File.

Due to the expected low number of participants in the proposed Address Confidentiality Program, the costs to local units of government associated with the requirement to mail absentee ballots to participants should not create a significant cost to any one local unit of government. Thus, local units' annual appropriations should be able to absorb the cost.

Senate Bill 657 (S-1) would have no fiscal impact on State or local government.

Senate Bill 658 (S-2) would have no impact on the Department of Education or CEPI, and would have an indeterminate impact on local school districts, intermediate school districts, and public school academies. The Department and CEPI do not keep address records of individual pupils. The Department and CEPI treat any individual's identifiable data confidential and do not share that information.

Local school districts, intermediate school districts, and public school academies that store pupil addresses would have an indeterminate cost in tracking students who were in the Address Confidentiality Program and ensuring that the information was kept confidential. The exact cost would vary throughout the State and would depend on the number of pupils participating in the Program, the technology system, and training for staff.

Senate Bills 954 (S-1), 955 (S-1), and 956 (S-1) would result in costs to the Department of State associated with the requirement for the Department to issue a corrected driver license, personal identification card, or enhanced driver license or enhanced ID card for participants in the Address Confidentiality Program. The current cost to the Department for issuing a corrected license or ID is \$9 per license or ID. According to the Department, 34 states currently have a program similar to the proposed Address Confidentiality Program, with the number of participants ranging from 100 to 4,200, depending on the state. Most states have 100 or fewer participants, with 11 states having 1,000 or more participants and the State of Washington having the most participants at 4,200. Thus, the cost to the Department for issuing corrected licenses or IDs is indeterminate and would depend on the number of participants in the proposed Program. The cost to the Department, for example, of having 500 participants would be an estimated \$4,500. The Department has indicated that it expects the number of participants would rise for the first few years as the Program was implemented; however, the estimated costs in the future again would be indeterminate and would depend on the number of new participants who enrolled annually.

The bills would have no fiscal impact on local government.

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Bill Analysis @ www.senate.michigan.gov/sfa

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.