

**SUBSTITUTE FOR
SENATE BILL NO. 655**

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "address confidentiality program act".

3 Sec. 3. As used in this act:

4 (a) "Application assistant" means an employee or volunteer at
5 an agency or organization that serves victims of domestic violence,

1 stalking, human trafficking, or sexual assault who has received
2 training and certification from the department of the attorney
3 general to help individuals complete applications to become program
4 participants.

5 (b) "Confidential address" means the address of a program
6 participant's residence, as specified on an application to be a
7 program participant or on a notice of change of information as
8 provided under section 5 that is classified confidential by the
9 department of the attorney general.

10 (c) "Designated address" means the mailing address at which
11 the department of technology, management, and budget receives mail
12 to forward to program participants.

13 (d) "Domestic violence" means a violation of section 81 of the
14 Michigan penal code, 1931 PA 328, MCL 750.81.

15 (e) "Governmental entity" means this state, a local unit of
16 government, or any department, agency, board, commission, or other
17 instrumentality of this state or a local unit of government.

18 (f) "Guardian of a ward" means a person who has qualified as a
19 guardian of a legally incapacitated individual under a court
20 appointment.

21 (g) "Human trafficking" means a violation of chapter LXVIIA of
22 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

23 (h) "Law enforcement agency" means that term as defined in
24 section 2 of the Michigan commission on law enforcement standards
25 act, 1965 PA 203, MCL 28.602.

26 (i) "Local unit of government" means a city, village,
27 township, or county in this state.

1 (j) "Municipally owned utility" means electric, gas, or water
2 services provided by a municipality.

3 (k) "Program" means the address confidentiality program
4 created under this act.

5 (l) "Program participant" means an individual who is certified
6 by the department of the attorney general as a program participant
7 under section 5.

8 (m) "Sexual assault" means a violation, attempted violation,
9 or solicitation or conspiracy to commit a violation of section
10 520b, 520c, 520d, 520e, 520f, or 520g of the Michigan penal code,
11 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, 750.520f,
12 and 750.520g.

13 (n) "Stalking" means that term as defined in section 411h or
14 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
15 750.411i.

16 (o) "Victim" means an individual who suffers direct or
17 threatened physical, financial, or emotional harm as the result of
18 a commission of a crime.

19 (p) "Victim advocate" means an employee of the department of
20 the attorney general, the department of state, or the department of
21 technology, management, and budget who has received training and
22 certification from the department of the attorney general to help
23 individuals complete applications to become program participants,
24 and who is available to help individuals complete the applications
25 and is responsible for assisting program participants in navigating
26 through and accessing all aspects of the program.

27 (q) "Ward" means that term as defined in section 1108 of the

1 estates and protected individuals code, 1998 PA 386, MCL 700.1108.

2 Sec. 5. (1) The address confidentiality program is created in
3 the department of the attorney general.

4 (2) Except for an individual described in subsection (11),
5 beginning 180 days after the effective date of this act, the
6 following individuals are eligible to apply to the program and may
7 submit an application, with the assistance of an application
8 assistant or a victim advocate, for certification as a program
9 participant by the department of the attorney general:

10 (a) If changing his or her residence, an individual who is 18
11 years of age or older.

12 (b) If changing the residence of a minor, the parent with
13 legal custody or the guardian of the minor.

14 (c) If the residence of a ward is changing, the guardian of
15 that ward if the guardian is granted the power to apply by a court
16 under section 5306 of the estates and protected individuals code,
17 1998 PA 386, MCL 700.5306.

18 (3) The application under subsection (2) must be filed with
19 the department of the attorney general in the manner and form
20 prescribed by the department of the attorney general and must
21 contain the following:

22 (a) A notarized statement that meets 1 of the following
23 requirements:

24 (i) If the applicant is an individual 18 years of age or
25 older, a statement by that individual that disclosure of the
26 address provided under subdivision (d) will increase the risk that
27 he or she will be threatened or physically harmed by another person

1 or that the individual is a victim of domestic violence, stalking,
2 human trafficking, or sexual assault.

3 (ii) If the applicant is the parent with legal custody or the
4 guardian of a minor, a statement by that parent or guardian that
5 disclosure of the address provided under subdivision (d) will
6 increase the risk that the minor will be threatened or physically
7 harmed by another person or that the parent or guardian, or the
8 minor, is a victim of domestic violence, stalking, human
9 trafficking, or sexual assault.

10 (iii) If the applicant is the guardian of a ward as provided
11 under subsection (2)(c), a statement by that guardian that the
12 disclosure of the address provided under subdivision (d) will
13 increase the risk that the ward will be threatened or physically
14 harmed by another person or that the ward is a victim of domestic
15 violence, stalking, human trafficking, or sexual assault.

16 (b) A knowing and voluntary designation of the department of
17 technology, management, and budget as the agent for the purposes of
18 receiving mail and service of process.

19 (c) The mailing address, telephone number, and electronic mail
20 address, if applicable, at which the department of the attorney
21 general, the department of state, or the department of technology,
22 management, and budget, may contact the individual, minor, or ward.

23 (d) The address of residence that the applicant requests not
24 be disclosed.

25 (e) The signature of the applicant, the name and signature of
26 any application assistant or victim advocate who assisted the
27 applicant, and the date the application was signed.

1 (4) Beginning 180 days after the effective date of this act,
2 the department of the attorney general shall do all of the
3 following after an individual, the parent or guardian of a minor,
4 or a guardian of a ward files a completed application:

5 (a) Except as provided in subsection (5), certify the
6 individual, minor, or ward as a program participant.

7 (b) Issue the program participant a unique identification
8 number and a participation card.

9 (c) Classify each eligible address listed in the application
10 as a confidential address.

11 (d) Provide the program participant with information
12 concerning the manner in which the program participant may use the
13 department of technology, management, and budget as the agent of
14 the program participant for the purposes of receiving mail and
15 service of process.

16 (e) If the program participant is eligible to vote, provide
17 the program participant with information concerning the process to
18 register to vote and to vote as a program participant under the
19 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

20 (f) Provide the program participant with information
21 concerning the procedure from which the program participant will
22 receive a corrected operator's or chauffeur's license under section
23 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a
24 corrected enhanced driver license or enhanced official state
25 personal identification card under section 4a of the enhanced
26 driver license and enhanced official state personal identification
27 card act, 2008 PA 23, MCL 28.304a, or a corrected official state

1 personal identification card under section 2a of 1972 PA 222, MCL
2 28.292a.

3 (5) An individual, minor, or ward must not be certified as a
4 program participant if the department of the attorney general knows
5 the confidential address provided in the application as described
6 in subsection (3)(d) is not a new address for that individual,
7 minor, or ward.

8 (6) A program participant shall update information provided in
9 an application within 30 days after a change to that information
10 has occurred by submitting a notice of change of information to the
11 department of the attorney general on a form prescribed by the
12 department of the attorney general.

13 (7) Unless the certification is canceled under section 9, the
14 certification of a program participant is valid for 4 years from
15 the date listed on the application under subsection (3) or on the
16 renewal application under subsection (9).

17 (8) The department of the attorney general may, with proper
18 notice, cancel the certification of a program participant as
19 provided under section 9.

20 (9) A program participant who continues to be eligible to
21 participate in the program may renew the certification of the
22 program participant. The renewal application must be on a form
23 prescribed by the department of the attorney general and must meet
24 the requirements under subsections (2) and (3). The department of
25 the attorney general must make the form for a renewal application
26 available no later than 180 days after the effective date of this
27 act. A renewal of certification of the program participant must not

1 alter the unique identification number issued under subsection
2 (4) (b).

3 (10) The information of a program participant described under
4 section 15(1) is not a public record and is exempt from disclosure
5 under the freedom of information act, 1976 PA 442, MCL 15.231 to
6 15.246.

7 (11) An offender who is required to be registered under the
8 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
9 is not eligible to submit an application and must not be certified
10 as a program participant.

11 (12) The department of the attorney general shall create a
12 participation card for the program. A participation card must
13 contain the name and unique identification number of a program
14 participant, and the designated address.

15 Sec. 7. (1) A program participant may request that a
16 governmental entity use the designated address as the program
17 participant's address. Except as otherwise provided in subsection
18 (6) and in the Michigan election law, 1954 PA 116, MCL 168.1 to
19 168.992, a governmental entity shall use the designated address.
20 The program participant may provide his or her participation card
21 as proof of his or her certification as a program participant.

22 (2) If a program participant's employer, school, or
23 institution of higher education is not a governmental entity, the
24 program participant may request that the employer, school, or
25 institution of higher education use the designated address as the
26 program participant's address.

27 (3) The department of technology, management, and budget

1 shall, on each day the department of technology, management, and
2 budget is open for business, place all first-class, registered, and
3 certified mail of a program participant that the department of
4 technology, management, and budget receives into an envelope or
5 package and mail that envelope or package to the program
6 participant at the mailing address the program participant provided
7 on the application under section 5(3)(c) for that purpose. The
8 department of technology, management, and budget may contract with
9 the United States Postal Service for special rates for the mail
10 forwarded under this subsection.

11 (4) Upon receiving service of process on behalf of a program
12 participant, the department of technology, management, and budget
13 shall immediately forward the process by certified mail, return
14 receipt requested, to the program participant at the mailing
15 address the program participant provided on the application under
16 section 5(3)(c) for that purpose.

17 (5) If a person intends to serve process on an individual and
18 makes an inquiry with the department of the attorney general or the
19 department of technology, management, and budget to determine if
20 the individual is a program participant, the department of the
21 attorney general or the department of technology, management, and
22 budget shall only confirm that the individual is or is not a
23 program participant and must not disclose further information
24 regarding the program participant.

25 (6) Subsection (1) does not apply to a municipally owned
26 utility. The confidential address of a program participant that is
27 maintained by a municipally owned utility must not be released, and

1 is not a public record and is exempt from disclosure under the
2 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

3 Sec. 9. (1) The department of the attorney general may cancel
4 the certification of a program participant if the program
5 participant is not reachable at the mailing address, telephone
6 number, and any electronic mail address provided under section
7 5(3)(c) for 60 or more days.

8 (2) The department of the attorney general shall cancel the
9 certification of a program participant in any of the following
10 circumstances:

11 (a) The program participant's application contained 1 or more
12 false statements.

13 (b) The program participant or the parent or guardian of a
14 program participant that is a minor or the guardian of a ward that
15 is a program participant files a notarized request for cancellation
16 on a form prescribed by the department of the attorney general.

17 (c) The program participant fails to file a renewal
18 application while the initial certification as a program
19 participant is valid as provided in section 5(7). The department of
20 the attorney general may promulgate a rule to provide for a grace
21 period.

22 Sec. 11. (1) A department of this state, a law enforcement
23 agency, or a local unit of government may request the department of
24 the attorney general to provide the confidential address, telephone
25 number, and electronic mail address of a program participant if the
26 requesting department of this state, a law enforcement agency, or a
27 local unit of government requires access to the confidential

1 address, telephone number, or electronic mail address of the
2 program participant for a legitimate governmental purpose. Upon
3 receiving a request under this subsection, the department of the
4 attorney general shall confirm whether an individual, minor, or
5 ward is a program participant but may not disclose further
6 information except as provided under subsection (3).

7 (2) Upon the filing of a request under this section, the
8 department of the attorney general shall provide the program
9 participant with notice of the request.

10 (3) The department of the attorney general may grant the
11 request submitted under subsection (1) if the department of the
12 attorney general determines that disclosure of the confidential
13 address, telephone number, or electronic mail address of the
14 program participant to the requesting department of this state, law
15 enforcement agency, or local unit of government is necessary for a
16 legitimate governmental purpose.

17 Sec. 13. (1) Not later than 4 months after the effective date
18 of this act, the department of the attorney general shall develop
19 and offer a training program for application assistants and victim
20 advocates to obtain certification under this act.

21 (2) The department of the attorney general shall certify a
22 person applying for certification as an application assistant or as
23 a victim advocate under this act if that person has completed the
24 training program under subsection (1). Not later than 180 days
25 after the effective date of this act, the department of the
26 attorney general shall make available on its website the names and
27 contact information of the application assistants and victim

1 advocates.

2 (3) An application assistant or victim advocate who provides
3 assistance in accordance with this act does not violate section 916
4 of the revised judicature act of 1961, 1961 PA 236, MCL 600.916.

5 Sec. 15. (1) Not later than 180 days after the effective date
6 of this act, the department of the attorney general must create and
7 maintain a computerized database that contains the name, unique
8 identification number, confidential address, mailing address,
9 telephone number, and any electronic mail address of each program
10 participant. The department of the attorney general, the department
11 of technology, management, and budget, and the department of state
12 may have access to the database as required to implement this act.

13 (2) The department of the attorney general must ensure the
14 database under subsection (1) immediately provides the department
15 of technology, management, and budget and the department of state,
16 upon the certification of a program participant, the information
17 listed in subsection (1), and upon the cancellation of a
18 certification of a program participant under section 9, that
19 status.

20 Sec. 17. The department of the attorney general may, in
21 consultation with the Michigan domestic and sexual violence
22 prevention and treatment board, the department of technology,
23 management, and budget, and the department of state promulgate
24 rules to implement this act in compliance with the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 Sec. 19. (1) The confidential address fund is created in the
27 state treasury. The fund shall be administered by the attorney

1 general.

2 (2) The state treasurer may receive money and assets from any
3 source for deposit into the fund. The state treasurer shall direct
4 the investment of the fund. The state shall credit to the fund
5 interest and earnings from fund investments.

6 (3) Money in the fund at the close of the fiscal year shall
7 remain in the fund and shall not lapse to the general fund.

8 (4) The department of the attorney general shall expend money
9 from the fund, upon appropriation, for the purpose of administering
10 the program.

11 Sec. 21. (1) A person shall not knowingly make a false
12 statement in an application submitted under section 5.

13 (2) Except as otherwise provided by law, a person who has
14 access to a confidential address, telephone number, or electronic
15 mail address of a program participant through the database created
16 under section 15 shall not knowingly disclose that confidential
17 address, telephone number, or electronic mail address to any other
18 person.

19 (3) A person that violates this section is guilty of a
20 misdemeanor punishable by imprisonment for not more than 93 days or
21 a fine of not more than \$500.00, or both.

22 Sec. 23. (1) The department of the attorney general shall
23 establish an address confidentiality program advisory council
24 composed of the following members:

25 (a) The attorney general, or his or her designee.

26 (b) The director of the department of technology, management,
27 and budget, or his or her designee.

1 (c) The secretary of state, or his or her designee.

2 (d) The executive director of the Michigan Coalition to End
3 Domestic and Sexual Violence, or his or her designee.

4 (e) The executive director of the Michigan domestic and sexual
5 violence prevention and treatment board, or his or her designee.

6 (2) Not later than 3 years after the effective date of this
7 act, the first meeting of the advisory council must be called by
8 the member described under subsection (1)(a).

9 (3) Except as provided in subsection (6), information
10 collected by the advisory council under this section is exempt from
11 disclosure under the freedom of information act, 1976 PA 442, MCL
12 15.231 to 15.246.

13 (4) The advisory council shall not deliberate toward or render
14 a decision on public policy, and a meeting of the advisory council
15 is not a meeting of a public body under the open meetings act, 1976
16 PA 267, MCL 15.261 to 15.275.

17 (5) Members of the advisory council shall serve without
18 compensation. However, members of the advisory council may be
19 reimbursed for their actual and necessary expenses incurred in the
20 performance of their official duties as members of the advisory
21 council.

22 (6) The advisory council shall prepare and submit a report to
23 the legislature of findings in evaluating the program. The advisory
24 council shall not include in the report the name, confidential
25 address, telephone number, or electronic mail address of a program
26 participant or any other information that could reasonably be
27 expected to identify a program participant. The report submitted

1 under this subsection must be made available to the public in
2 compliance with the freedom of information act, 1976 PA 442, MCL
3 15.231 to 15.246.

4 Enacting section 1. This act does not take effect unless all
5 of the following bills of the 99th Legislature are enacted into
6 law:

7 (a) Senate Bill No. 954.

8 (b) Senate Bill No. 955.

9 (c) Senate Bill No. 956.