

HOUSE BILL NO. 5724

May 14, 2024, Introduced by Reps. Breen, Hope, Wilson, Mueller, Filler, Pohutsky, Rheingans, Haadsma, Tsernoglou, Arbit, Steckloff, Andrews, Roth, Morse, Aragona, Mentzer, McFall, Dievendorf, Herzberg, Edwards, Byrnes, Wozniak, Bezotte, Outman, Fitzgerald, Hoskins, Martus, Conlin, MacDonell, Tyrone Carter, Morgan and Brixie and referred to the Committee on Judiciary.

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:

1 (a) "Immediate family member" means the spouse, child, parent,
2 or any other familial relative of a judge whose permanent residence
3 is the same as the judge's permanent residence.

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

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

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

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

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

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

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

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

23 (iii) Address of other property owned.

24 (iv) Home or cellular telephone number.

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

26 (vi) Social Security number.

27 (vii) Personal email address.

28 (viii) Federal or state tax identification number.

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

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

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

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

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

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

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

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 thereof.

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

10 Sec. 3. (1) A judge may request that a public body or person
11 not publicly post or display the covered information of a judge or
12 a judge's immediate family member.

13 (2) A judge may submit a written request, on a form prescribed
14 by the state court administrative office, to a public body or
15 person to prevent disclosure of or remove a public posting or
16 display of covered information of the judge or the judge's
17 immediate family member. The form must include information on the
18 appropriate methods to provide the form to a public body or person
19 and require both of the following, as applicable:

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

21 (b) The covered information of the judge, the judge's
22 immediate family member, or the individual residing with the judge
23 that the judge desires to protect.

24 (3) A written request provided to a public body or person
25 under subsection (2) remains in force and effect until the judge
26 provides a signed written permission to allow the public body or
27 person to release some or all of the covered information.

28 (4) On the written delegation of authority by a state court
29 judge as that term is defined in section 2(b)(i) to the state court

1 administrative office, the state court administrative office may
2 submit a written request to a public body on behalf of a judge
3 under subsection (2). A written request under this subsection must
4 be given the same force and effect as a written request submitted
5 by a judge.

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

9 Sec. 4. (1) Except as otherwise provided, a public body that
10 has received a request under section 3 shall not publicly post or
11 display or provide to a person the specified covered information of
12 a judge or a judge's immediate family member, as applicable. A
13 public body that has already publicly posted or displayed the
14 specified covered information shall remove the covered information
15 within 5 business days. This act does not require a public body to
16 permanently delete covered information that is not accessible to
17 the public.

18 (2) Except as otherwise provided, a person that has received a
19 request under section 3 shall not publicly post or display or sell,
20 transfer, or provide to another person the specified covered
21 information of a judge or a judge's immediate family member, as
22 applicable. A person that has already publicly posted or displayed
23 the covered information shall remove the covered information within
24 5 business days.

25 Sec. 5. This act does not apply to either of the following:

26 (a) The display of the covered information of a judge or a
27 judge's immediate family member if the information is relevant to
28 and displayed as part of a news story, commentary, editorial, or
29 other speech on a matter of public concern.

1 (b) After the effective date of this act, covered information
2 voluntarily published by the judge or the judge's immediate family
3 member.

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

8 Sec. 7. (1) If a public body or a person is not complying with
9 this act, the judge may commence a civil action to compel
10 compliance or to enjoin further noncompliance with this act.

11 (2) An action for injunctive relief against a local public
12 body or person must be commenced in the circuit court, and venue is
13 proper in any county in which the judge serves. An action for an
14 injunction against a state public body must be commenced in the
15 court of claims. If a judge commences an action for injunctive
16 relief, the judge is not required to post security as a condition
17 for obtaining a preliminary injunction or a temporary restraining
18 order.

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

21 (4) If a public body or person is not complying with this act,
22 and a judge commences a civil action against the public body or
23 person for injunctive relief to compel compliance or to enjoin
24 further noncompliance with this act and succeeds in obtaining
25 relief in the action, the judge must recover court costs and actual
26 attorney fees for the action.

27 (5) It is not a defense to a violation of this act that the
28 covered information disclosed was publicly available from another
29 source.

1 Sec. 8. This act must be construed liberally to effectuate the
2 legislative intent and the purpose of this act as complete and
3 independent authorization for the performance of each and every act
4 and thing authorized in the act, and all powers granted in this act
5 must be broadly interpreted to effectuate the intent and purpose of
6 this act and not as to limitation of powers.