

SENATE BILL NO. 264

April 13, 2023, Introduced by Senators SHINK, WOJNO, KLINEFELT, MCMORROW, DAMOOSE, POLEHANKI, GEISS, MCCANN and CHANG and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 2020 PA 301, entitled
"Address confidentiality program act,"
by amending section 5 (MCL 780.855).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Subject to section 19(4), the address
2 confidentiality program is created in the department of the
3 attorney general.

4 (2) Except for an individual described in subsection (13), the
5 following individuals are eligible to apply to the program and may

1 submit an application, with the assistance of an application
2 assistant or a victim advocate, for certification as a program
3 participant by the department of the attorney general:

4 (a) If changing his or her residence, an individual who is 18
5 years of age or older or is an emancipated minor under 1968 PA 293,
6 MCL 722.1 to 722.6.

7 (b) If changing the residence of a minor, a legal parent or
8 the guardian of the minor appointed by a court.

9 (c) If the residence of a ward is changing, the guardian of
10 that ward if the guardian is granted the power to apply by a court
11 under section 5306 of the estates and protected individuals code,
12 1998 PA 386, MCL 700.5306.

13 (3) The application under subsection (2) must be filed with
14 the department of the attorney general in the manner and form
15 prescribed by the department of the attorney general and must
16 contain the following:

17 (a) A notarized statement that meets 1 of the following
18 requirements:

19 (i) If the applicant is an individual described under
20 subsection (2) (a), a statement by that individual that disclosure
21 of the address provided under subdivision (d) will increase the
22 risk that he or she will be threatened or physically harmed by
23 another person or that the individual is a victim of domestic
24 violence, stalking, human trafficking, or sexual assault.

25 (ii) If the applicant is the legal parent of a minor or the
26 guardian of a minor appointed by a court, a statement by that
27 parent of a minor or guardian that disclosure of the address
28 provided under subdivision (d) will increase the risk that the
29 minor will be threatened or physically harmed by another person or

1 that the parent or guardian, or the minor, is a victim of domestic
2 violence, stalking, human trafficking, **kidnapping**, or sexual
3 assault.

4 (iii) If the applicant is the guardian of a ward as provided
5 under subsection (2)(c), a statement by that guardian that the
6 disclosure of the address provided under subdivision (d) will
7 increase the risk that the ward will be threatened or physically
8 harmed by another person or that the ward is a victim of domestic
9 violence, stalking, human trafficking, or sexual assault.

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

13 (c) The mailing address, telephone number, and ~~electronic mail~~
14 **email** address, if applicable, at which the department of the
15 attorney general, the department of state, or the department of
16 technology, management, and budget, may contact the individual,
17 minor, or ward.

18 (d) The address of residence that the applicant requests not
19 be disclosed.

20 (e) The signature of the applicant, the name and signature of
21 the application assistant or victim advocate who assisted the
22 applicant, and the date the application was signed.

23 (4) The application under subsection (2) may provide an option
24 for an applicant to select the type of victimization the applicant
25 believes warrants the need for participation in the program. The
26 department of the attorney general may not consider information
27 provided or withheld under this subsection in certifying a program
28 participant.

29 (5) The department of the attorney general shall do all of the

1 following after an individual, the parent or guardian of a minor,
2 or a guardian of a ward files a completed application:

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

5 (b) Issue the program participant a unique identification
6 number and a participation card.

7 (c) Classify each eligible address listed in the application
8 as a confidential address.

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

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

18 (f) Provide the program participant with information
19 concerning the procedure from which the program participant will
20 receive a corrected operator's or chauffeur's license under section
21 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a
22 corrected enhanced driver license or enhanced official state
23 personal identification card under section 4 of the enhanced driver
24 license and enhanced official state personal identification card
25 act, 2008 PA 23, MCL 28.304, or a corrected official state personal
26 identification card under section 2a of 1972 PA 222, MCL 28.292a.

27 (g) Provide the program participant with information regarding
28 methods to protect a confidential address, including, but not
29 limited to, information regarding the risks of disclosing the

1 confidential address to other persons and the risks of using social
2 media and other similar electronic technologies, including
3 geotagging photographs; and other information that the attorney
4 general determines would help the program participant protect his
5 or her confidential address.

6 (6) An individual, minor, or ward must not be certified as a
7 program participant if the department of the attorney general knows
8 the confidential address provided in the application as described
9 in subsection (3)(d) is an address that has been provided to the
10 secretary of state for that individual, minor, or ward.

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

16 (8) Unless the certification is canceled under section 9, the
17 certification of a program participant is valid for 4 years from
18 the date listed on the application under subsection (3), on the
19 renewal application under subsection (10), or on the certification
20 continuance application under subsection (11).

21 (9) The department of the attorney general may, with proper
22 notice, cancel the certification of a program participant as
23 provided under section 9.

24 (10) A program participant who continues to be eligible to
25 participate in the program may renew the certification of the
26 program participant. The renewal application must be on a form
27 prescribed by the department of the attorney general and must meet
28 the requirements under subsections (2) and (3). A renewal of
29 certification of the program participant must not alter the unique

1 identification number issued under subsection (5) (b).

2 (11) If a program participant certified as a minor becomes 18
3 years of age or older while his or her certification remains valid,
4 the department of the attorney general shall mail a certification
5 continuance application to that program participant. The
6 certification continuance application must be on a form prescribed
7 by the department of the attorney general, must meet the
8 requirements under subsections (2) and (3), and must inform the
9 program participant of his or her right to choose to continue or
10 discontinue in the program. The program participant may continue
11 certification as a program participant after becoming 19 years of
12 age by completing the certification continuance application with
13 the assistance of an application assistant or victim advocate and
14 filing the application before the program participant becomes 19
15 years of age.

16 (12) An application submitted under this act and the
17 information of a program participant described under section 15(1)
18 is confidential, is not a public record, is exempt from disclosure
19 under the freedom of information act, 1976 PA 442, MCL 15.231 to
20 15.246, and may only be disclosed as authorized under this act.

21 (13) An offender who is required to be registered under the
22 sex offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.736~~,
23 **28.730**, is not eligible to submit an application and must not be
24 certified as a program participant.

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

29 (15) The certification of a minor as a program participant

1 does not prohibit a parent or guardian from voluntarily disclosing
2 the minor's confidential address.

3 (16) The certification of a minor as a program participant
4 does not amend or affect the enforceability of a custody or
5 parenting time order issued by a court of competent jurisdiction,
6 affect a parent's right to initiate a child custody action or use
7 friend of the court services, or otherwise limit a court's
8 authority in a child custody action.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. 263 of the 102nd Legislature is enacted into
11 law.