

**SUBSTITUTE FOR
HOUSE BILL NO. 4974**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 40b to chapter VII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

**Sec. 40b. (1) Except as otherwise provided under this section,
the prosecuting attorney shall keep the personal information of a
witness confidential unless the personal information is a part of
the res gestae of the charged crime.**

**(2) The prosecuting attorney shall redact the personal
information of a witness required to be kept confidential under
subsection (1) from both of the following:**

(a) Any document provided to the defense counsel or the



1 defendant.

2 (b) Any document that the prosecuting attorney submits as an
3 ordinary court document or that will be entered into the court
4 file.

5 (3) This section does not alleviate the obligation otherwise
6 required under law to make a witness available for interview by the
7 other party.

8 (4) On motion by the defendant, and subject to subsection (7),
9 the court may order the prosecuting attorney to provide personal
10 information to the defense counsel or the defendant.

11 (5) A motion under subsection (4) must meet the following
12 requirements:

13 (a) Demonstrate that the personal information requested is
14 reasonably necessary to provide an adequate defense.

15 (b) Explain the limited purpose for which the personal
16 information is sought.

17 (6) If the court grants a motion under subsection (4), the
18 order must do all of the following:

19 (a) Limit the disclosure of the personal information to the
20 extent the disclosure is reasonably necessary to provide an
21 adequate defense.

22 (b) Specify the limited purpose for which the personal
23 information may be used.

24 (c) Except as provided in subdivision (d), require the
25 personal information to remain in the exclusive custody of the
26 defense counsel or the defendant if the defendant is not
27 represented by counsel.

28 (d) Include conditions and terms for the defense counsel or,
29 if the defendant is not represented by counsel, the defendant, to



1 provide the personal information to the defense counsel's or the
2 defendant's agent, employee, or expert witness if necessary for a
3 limited purpose approved by the court.

4 (e) Prohibit the reproduction, copying, or dissemination of
5 the personal information unless authorized in the order.

6 (7) This section does not authorize the disclosure of the
7 confidential address of a program participant.

8 (8) This section does not preclude the release of information
9 to a victim advocacy organization or agency for the purpose of
10 providing victim services.

11 (9) A person who is required to keep confidential or redact
12 personal information under this section and who intentionally and
13 willfully discloses that personal information in violation of this
14 section is guilty of a misdemeanor punishable by imprisonment for
15 not more than 93 days or a fine of not more than \$500.00, or both.

16 (10) As used in this section:

17 (a) "Confidential address" means that term as defined in
18 section 3 of the address confidentiality program act, 2020 PA 301,
19 MCL 780.853.

20 (b) "Internet identifier" means a designation used for self-
21 identification or routing used in posting on the internet or in
22 other internet communications.

23 (c) "Personal information" means the following information of
24 a witness but does not include the location of a charged crime:

25 (i) Home address.

26 (ii) Telephone number and cellular telephone number.

27 (iii) Driver license number or official state personal
28 identification card number.

29 (iv) Social Security number.



1 (v) Date of birth.

2 (vi) Place and address of employment.

3 (vii) Employee identification number.

4 (viii) Mother's maiden name.

5 (ix) Demand deposit account, savings account, or checking
6 account number, or other financial identification information.

7 (x) Credit card number.

8 (xi) Email address.

9 (xii) Internet identifier.

10 (xiii) Home address, telephone number, and cellular telephone
11 number of a family member.

12 (d) "Program participant" means that term as defined in
13 section 3 of the address confidentiality act, 2020 PA 301, MCL
14 780.853.

