



SENATE BILL No. 664

September 20, 1995, Introduced by Senator HONIGMAN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 3 of Act No. 455 of the Public Acts of 1982, entitled "The library privacy act," being section 397.603 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 455 of the Public Acts of
2 1982, being section 397.603 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) A library record ~~shall not be~~ IS NOT subject
5 to the disclosure requirements of THE FREEDOM OF INFORMATION ACT,
6 Act No. 442 of the Public Acts of 1976, ~~as amended,~~ being sec-
7 tions 15.231 to 15.246 of the Michigan Compiled Laws.

8 (2) ~~Unless ordered by a court after giving the affected~~
9 ~~library notice of the request and an opportunity to be heard~~
10 ~~thereon~~ EXCEPT AS PROVIDED IN SUBSECTION (3), a library or an

1 employee or agent of a library shall not release or disclose a
2 library record or portion of a library record to any person with-
3 out the written consent of the person identified in that LIBRARY
4 record. The procedure and form of giving written consent may be
5 determined by the library.

6 (3) SUBSECTION (2) DOES NOT APPLY UNDER EITHER OF THE FOL-
7 LOWING CIRCUMSTANCES:

8 (A) MATERIAL SPECIFIED IN THE LIBRARY RECORD OR THE PORTION
9 OF A LIBRARY RECORD IS OVERDUE; THE LIBRARY SENDS WRITTEN NOTICE
10 THAT THE MATERIAL IS OVERDUE TO THE PERSON IDENTIFIED IN THE
11 LIBRARY RECORD OR THE PORTION OF A LIBRARY RECORD AS HAVING
12 OBTAINED THE MATERIAL; AND THAT PERSON DOES NOT RETURN THE MATE-
13 RIAL, PAY FOR THE MATERIAL, OR ARRANGE FOR PAYMENT FOR THE MATE-
14 RIAL WITHIN 30 DAYS AFTER NOTICE IS SENT. A LIBRARY MAY RELEASE
15 OR DISCLOSE A LIBRARY RECORD OR PORTION OF A LIBRARY RECORD UNDER
16 THIS SUBDIVISION ONLY TO A PERSON DESIGNATED BY THE LIBRARY AND
17 ONLY TO ASSIST THE LIBRARY TO RECOVER THE OVERDUE MATERIAL OR
18 PAYMENT FOR THE OVERDUE MATERIAL OR TO COLLECT A FINE FOR THE
19 OVERDUE MATERIAL. A LIBRARY IS NOT REQUIRED TO RELEASE OR DIS-
20 CLOSE A LIBRARY RECORD OR A PORTION OF A LIBRARY RECORD PURSUANT
21 TO THIS SUBDIVISION.

22 (B) THE RELEASE OR DISCLOSURE IS ORDERED BY A COURT AFTER
23 GIVING THE AFFECTED LIBRARY NOTICE OF THE REQUEST FOR RELEASE OR
24 DISCLOSURE AND AN OPPORTUNITY TO BE HEARD. At ~~a~~ THE hearing,
25 ~~conducted pursuant to subsection (2),~~ a library may appear and
26 be represented by counsel.