

SUBSTITUTE FOR
SENATE BILL NO. 688

A bill to amend 1988 PA 13, entitled
"Juvenile diversion act,"
by amending section 9 (MCL 722.829), as amended by 2023 PA 287.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) ~~A~~**Except as provided in subsection (2), a** record
2 kept under this act must not be used by any person, including a
3 court official or law enforcement official, for any purpose except
4 ~~in making~~**to make** a decision on whether to divert a minor.

5 **(2) An individual or organization may submit a research**
6 **request for a record kept under this act to the state court**
7 **administrative office or an individual court, as applicable. If the**
8 **research request is granted, the applicable parties shall negotiate**
9 **a data use agreement that protects personally identifiable**

1 information from public disclosure. The data use agreement must be
2 created by the state court administrative office and include
3 provisions necessary to protect all data, including personally
4 identifying information, from misuse, including, but not limited
5 to, unauthorized disclosure. If a data use agreement is entered,
6 the state court administrative office or an individual court may
7 release records according to the provisions of the agreement. The
8 state court administrative office may charge the researcher to
9 cover costs incurred for processing the research request. Data
10 provided under a data use agreement is exempt from disclosure under
11 section 13(1)(d) of the freedom of information act, 1976 PA 442,
12 MCL 15.243. The researcher or program evaluator shall abide by all
13 terms and conditions set forth in the data use agreement.

14 (3) The state court administrative office and each court that
15 receives a research request under subsection (2) shall maintain
16 records of all of the following:

17 (a) Requests that are received and the dates they are
18 received.

19 (b) Requests that are granted and the dates they are granted.

20 (c) A description of the data released as a result of a
21 granted request.

22 (4) ~~(2)~~—A person that violates subsection (1) is guilty of a
23 misdemeanor punishable by imprisonment for not more than 180 days,
24 a fine of not more than \$1,000.00, or both.

25 (5) ~~(3)~~—A risk screening tool and a mental health screening
26 tool conducted as part of a proceeding under this act and any
27 information obtained from a minor in the course of those screenings
28 or provided by the minor in order to participate in a diversion
29 program, including, but not limited to, any admission, confession,

1 or incriminating evidence, are not admissible into evidence in any
2 adjudicatory hearing in which the minor is accused and are not
3 subject to subpoena or any other court process for use in any other
4 proceeding or for any other purpose.

5 (6) As used in this section:

6 (a) "Data use agreement" means an agreement between the
7 individual or organization and state court administrative office or
8 individual court that outlines the technical standards and other
9 provisions to protect the integrity of the information and
10 personally identifiable information from public disclosure.

11 (b) "Personally identifiable information" means information
12 about an individual that would reveal the individual's identity,
13 including, but not limited to, an individual's name, date of birth,
14 Social Security number, address, and other information unique to an
15 individual.

16 Enacting section 1. This amendatory act takes effect October
17 1, 2024.