



Michigan Coalition to End Domestic & Sexual Violence

### **Comments Regarding HB 5368**

HB 5368 would prevent court records from being redacted of an individual's name or date of birth. The Michigan Coalition to End Domestic & Sexual Violence (MCEDSV) opposes this legislation as written. We are concerned that this bill may have unintended consequences that would impact survivor privacy.

Perpetrators of domestic violence, stalking, human trafficking, and sexual assault, will often search court filings and records to locate information regarding their target. Association of a survivor's name with certain court filings could provide an abuser with an additional mechanism to find them or disrupt their lives. Accordingly, MCEDSV generally favors initiatives that would limit the amount of survivors' information that is made public. Because survivors must frequently endure family, probate, child welfare, criminal, protective order, and multiple other types of proceedings, it is critical to limit others' access to this information.

MCESV suggests that legislators slow the process of HB 5368 to carefully consider all of its potential repercussions. At this early stage in its review, MCEDSV has identified a few potential changes that could prevent some of the unintended consequences set forth above:

1. Replace the word "individual" with "criminal defendant" as the subject of the records that are made public, which would allow employers and other stakeholders to conduct criminal background checks without placing all information from civil or juvenile proceedings into the public eye.
2. Include court orders in addition to the term "except as provided by law" so that protective orders or orders granting motions to seal records will be protected.
3. Limit the definition of "record" to ensure that exhibits and other sensitive information and other items in possession of the courts.

MCEDSV appreciates consideration of these proposals and would be pleased answer any questions. Elinor Jordan [Elinor.Jordan@mcedsv.org](mailto:Elinor.Jordan@mcedsv.org).