Legislative Analysis

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JUDICIAL PROTECTION ACT

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Senate Bill 82 (proposed substitute H-3)
Sponsor: Sen. Stephanie Chang
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety
Complete to 10-29-25

SUMMARY:

Senate Bill 82 would create a new act, the Judicial Protection Act, to allow judges to request that a public body or other person not publicly post or display certain information concerning the judge or certain of the judge's family members, or that they remove such information, and to require compliance with such a request. If a request were made and not complied with, the judge could go to court to compel compliance or enjoin further noncompliance.

Request

The bill would allow a ***judge*** to request that a ***public body*** or ***person*** not publicly post or display the ***personal identifying information*** of the judge or of the judge's ***immediate family member***.

Judge would mean any of the following:

- A *state court judge* (defined as including only a judge or justice who is serving by election or appointment on the district court, probate court, circuit court, court of appeals, or supreme court of Michigan).
- A federal judge as defined in the federal Daniel Anderl Judicial Security and Privacy Act,[1] or a senior, recalled, or retired federal judge, if the judge serves, served, or has a ***residential address*** in Michigan.
- A judge serving on a tribal court for a federally recognized tribe located in Michigan.

Public body would mean any of the following:

- A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but not including any of the following:
  - The governor or lieutenant governor.
  - The executive office of the governor or lieutenant governor.
  - Employees of the governor or lieutenant governor.
- An agency, board, commission, or council in the legislative branch of the state government.
- A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation.
- A board, department, commission, council, or agency.
- Any other body created or primarily funded by or through state or local authority—except that the judiciary, including the office of the county clerk

[1] The Daniel Anderl Judicial Security and Privacy Act was passed as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. No. 117-263 § 5931 et seq.).

and its employees when acting as clerk to the circuit court, would not be a public body for purposes of the new act unless approved by the supreme court.

Person would mean an individual, corporation, limited liability company, partnership, firm, organization, association, or other legal entity (except a public body).

Personal identifying information would mean any of the following:

- Date of birth (except as described below).
- Permanent ***residential address*** (except for the city and township of residence).
- Address of other real property owned and regularly used as a dwelling or for recreation by a judge or a judge's immediate family member.
- Phone number (home or cell).
- Driver's license or state identification number.
- Social Security number.
- Federal or state tax identification number.
- Personal email address.
- Personal credit, charge, or debit card information.
- Bank account information, including account or PIN numbers.
- License plate number or other unique identifier of a vehicle that is owned, leased, or regularly used by a judge or their immediate family member.
- Current or future school or day care information, including the name or address of the school or day care attended, schedule of attendance, or route taken to or from the school or day care by the judge or their immediate family member.
- Information on the employment location of a judge or their immediate family member (except for a court house), including the name or address of the employer, employment schedules, or routes taken to or from the employer.

Immediate family member would mean the spouse, child, parent, or any other familial relative of a judge (as long as the family member's permanent residence is the same as the judge's permanent residence).

Residential address would mean the place that is the settled home or domicile at which an individual legally resides and that is a *residence* as defined in the Michigan Election Law.[2]

Written request

In addition, a judge could, on a form prescribed by the State Court Administrative Office (SCAO), submit a written request to a public body or person to remove a public posting or display of personal identifying information of the judge or their immediate family member. The form would have to include both of the following, as applicable:

- Proof of the judge's office and identity.
- The personal identifying information of the judge or the judge's immediate family member that the judge desires to protect.

[2] "'Residence'... means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This [definition] does not affect existing judicial interpretation of the term residence." https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-168-11

A written request provided to the office of the county register of deeds would have to include a list of all instruments to be protected by liber and page or other unique identifying number.

A written request provided to a public body or person as described above would remain in effect until the judge provides a signed written request to rescind or modify it.

Delegation of authority

Upon the written delegation of authority to SCAO by a *state court judge* as defined above, SCAO could submit a written request as described above to a public body or person on behalf of a judge, with the same force and effect as a written request submitted by a judge.

Requirements for public bodies

Except as otherwise provided, a public body that receives a request described above could not ***publicly post or display*** or provide to a person the specified personal identifying information of a judge or a judge's immediate family member, as applicable. A public body that has already publicly posted or displayed the specified personal identifying information would have to remove it no later than five business days after receiving the request.

> ***Publicly post or display*** would mean to communicate or otherwise make personal identifying information available to the general public.

A public body would not have to permanently delete personal identifying information that is not accessible to the public and could comply with the bill by redacting the specified personal identifying information that is publicly posted or displayed or by masking the entire contents of a document or record that contains the specified personal identifying information. These provisions would not alter or amend a public body's obligations under the Freedom of Information Act (FOIA).

Requirements for other persons

Except as otherwise provided, a person that receives a request described above could not publicly post or display or ***transfer*** the specified personal identifying information of a judge or a judge's immediate family member, as applicable. A person that has already publicly posted or displayed the personal identifying information would have to remove it no later than five business days after receiving the request.

> ***Transfer*** would mean to sell, license, trade, or exchange for consideration the personal identifying information of a judge or a judge's immediate family member.

Remedies

If, five business days after receiving a written request described above, a public body or person is not in compliance with the new act, the judge or the judge's immediate family member could commence a civil action to compel compliance or to enjoin further noncompliance.

An action for injunctive relief against a local public body or person would have to be commenced in the circuit court for any county in which the judge serves. An action for an injunction against a state public body would have to be commenced in the Court of Claims. If a judge or a judge's immediate family member commences an action for injunctive relief, the judge or the judge's immediate family member would not have to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

An action for mandamus against a public body would have to be commenced in the Court of Appeals.

A judge or a judge's immediate family member who succeeds in obtaining relief in an action described above would have to recover court costs and actual attorney fees.

Exceptions

The bill would not apply to any of the following:

- The display of the personal identifying information of a judge or a judge's immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern.
- After the effective date of the bill, personal identifying information voluntarily published by a judge or a judge's immediate family member.
- The dissemination of personal identifying information made at the request of a judge or a judge's immediate family member or that is necessary to effectuate the request of a judge or a judge's immediate family member.
- The use of personal identifying information internally to provide access to businesses under common ownership or affiliated by corporate control, or to sell or provide data for a transaction or service requested by or that concerns the individual whose personal identifying information is being transferred.
- The provision of publicly available personal identifying information by a real-time or near-real-time alert service for a health or safety purpose.
- The use of personal identifying information by a consumer reporting agency subject to the federal Fair Credit Reporting Act.[3]
- The use of personal identifying information by a commercial entity engaged in the collection, maintenance, disclosure, sale, communication, or use of personal identifying information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides personal identifying information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the Fair Credit Reporting Act.
- The use of personal identifying information by a commercial entity using personal identifying information that was collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994.[4]
- The use of personal identifying information subject to the federal Gramm-Leach-Bliley Act.[5]
- The use of personal identifying information by a financial institution, one or more of a financial institution's affiliates, or an independent contractor acting on behalf of a financial institution or a financial institution's affiliates, subject to the Gramm-Leach-Bliley Act.

[3] 15 USC 1681 et seq.
[4] 18 USC 2721 et seq.
[5] 15 USC 6801 et seq.

- The use of personal identifying information by an entity covered by the privacy regulations promulgated under section 1320d-2(c) of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).[6]
- The use of personal identifying information by a commercial entity to do any of the following, as long as the commercial entity does not disseminate, publicly post, or display the personal identifying information:
    - Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity.
    - Preserve the integrity or security of systems.
    - Investigate, report, or prosecute any person responsible for any of the actions described above.

The bill would *not* prohibit the collection and sale or licensing of personal identifying information incidental to conducting any of the activities described above. A public body would also not be prohibited from providing access to records that contain the personal identifying information of a judge or a judge's immediate family member to a person when the access is incidental to conducting any of the activities described above.

The bill also would not apply to the display of a property address on a real estate or mapping platform when the address is not displayed or disclosed in connection with any ownership or occupancy information or other personal identifying information of a judge or a judge's immediate family member.

Other provisions

It would not be a defense to a violation that the personal identifying information disclosed was publicly available from another source.

Any person could get a judge's date of birth by contacting SCAO. (The bill states that this is to comply with section 19 of Article VI of the state constitution,[7] which prohibits anyone 70 years old or older from being elected or appointed to a judicial office.)

The bill states that the new act must be construed liberally to effectuate the legislative intent and the purpose of the act as complete and independent authorization for the performance of each and every act and thing authorized in the act, and all powers granted in the act must be broadly interpreted to effectuate the intent and purpose of the act and not as to limitation of powers.

The bill would take effect 180 days after the date it is enacted. The bill cannot take effect unless House Bill 4397 is also enacted.

BACKGROUND:

While judges have historically received more comprehensive protections for their personal identifying information compared to other government officials,[8] this information remains

[6] 42 USC 1320d-2

[7] https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-VI-19

[8] These protections are also generally more common for law enforcement and election workers, while officials such as state legislators are often excluded.

easily accessible in many jurisdictions. In recent years, several high-profile instances of violence against judges and their families have resulted in various initiatives designed to better protect the personal identifying information of judges and their immediate family members. In New Jersey, the legislature enacted Daniel's Law in response to the fatal shooting of Daniel Anderl (the son of New Jersey District Judge Esther Salas) in November 2020,[9] and a similar law—the Daniel Anderl Judicial Security and Privacy Act of 2021—was passed by Congress in 2021 to enhance protections for federal judges. These laws, and those enacted in other states,[10] generally prohibit the posting or disseminating of judges' personal identifying information (or that of their family members), provide for a mechanism by which judges can request the removal of certain information from publicly accessible sources, and other general protective measures (e.g., minimum standards for judicial security).

Senate Bill 82 is a companion bill to House Bill 4397 (H-6) of the current legislative session, which contains many of the same provisions but applies to elected and currently serving state legislators, currently serving United States senators and representatives, and the current governor, lieutenant governor, attorney general, or secretary of state.

The bill is also a modified reintroduction of House Bill 5724 of the 2023-24 legislative session. The House of Representatives and the Senate passed different versions of that bill and did not reconcile them before adjourning.

FISCAL IMPACT:

Senate Bill 82 would have an indeterminate fiscal impact on the state and on local court funding units. To meet requirements of the bill, the state would incur costs, but costs will be supported by a $475,000 appropriation that was included in Article 8 of 2024 PA 121. The State Court Administrative Office expends the appropriation to cover costs of a contract with a vendor that is assisting all interested judges with removing personal information from the internet, including home addresses, phone numbers, children's school addresses, etc. Also covered under the contract are costs of removing judges' personal information from local unit of government websites, as required under the bill.

The fiscal impact on local courts would depend on how provisions of the bill affect court caseloads and related administrative costs. Under the bill, civil actions could be commenced to compel compliance with provisions of the bill. Actions for injunctive relief could be commenced in a circuit court or in the Court of Claims. Actions for mandamus against a public body could be commenced in the Court of Appeals. It is not possible to determine the number or types of court actions that would result due to noncompliance, so it is not possible to project the fiscal impact on courts.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

[9] https://pub.njleg.gov/bills/2020/PL21/371_.HTM
[10] https://judicature.duke.edu/articles/states-move-to-protect-judges-safety/