

**Public Policy Position
SB 0371**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,679 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this bill.

The Family Law Section has a public policy decision-making body with 21 members. On May 1, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 17 members voted in favor of the Section's position, 0 members voted against this position, 0 member abstained, 4 members did not vote.

Oppose

Explanation:

While the Family Law Section understands the tragic circumstances leading to the introduction of HB 4653 and SB 371, the Section has concerns over the broad nature of the bill. The bill cites several statutes, the violations of which would land a person on the child abuse offender database, but also states "or a substantially similar offense under a law of the United States, any state, or any country under tribal or military law." This created concerns about the broad and ambiguous nature of the bill. Who determines if a law is "substantially similar", and how is that determination made? Also, there was very little in the bill regarding how an individual can have their name removed, other than by a determination of the state police that the individual no longer needs to be listed on the database. No criteria or process is spelled out in the bill for the state police to make such a determination. This created concerns over errors or mistaken identity, among other reasons.

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