

Dear Chairman Filler and Judiciary Committee Members,

We write in support of HB 5368, which would allow Michiganders to continue to efficiently and effectively attain employment, housing, medical care, insurance coverage, professional licensing, and much more.

This legislation is needed to correct the economic consequences of the proposed rule (ADM 2020-26) issued by the State Court Administrative Office and set to go into effect on January 1, 2022.

We understand one of the rationales for the proposal is the problem of identity theft. However, the federal Fair Credit Reporting Act (FCRA) contains permissible activities including employment screening where an individual applying for a job in Michigan provides their date of birth which is needed to confirm identity.

The proposed rule would erect a barrier for Michiganders seeking employment, housing, or even to volunteer in their community. In our opinion, this rule (ADM 2020-26) would prevent consumer reporting agencies and employers from verifying a person's identity through matching personal identifying information such as date of birth.

Verifying criminal background checks with court records is a key step in delivering accurate background checks. Consumer reporting agencies and background screeners have an obligation under the federal FCRA to maintain "strict procedures" for certain employment screening to ensure that a reported public record is "complete and up to date." This means that consumers receive fair and safe access to products and services. Likewise, employers, property managers, health care providers, and others can manage risk appropriately.

The proposed legislation would ensure that consumer reporting agencies and employers background screeners are able to deliver accurate, affordable background checks to employers, nonprofits, and other community members in two ways. First, it will continue to make necessary, publicly-available identifying information, such as date of birth, in court records available for viewing. Second, it will ease the burden on court clerks, who will be required to process substantially more paperwork and records requests if this legislation is not enacted.

We appreciate that multiple "workarounds" have been proposed, however each is ultimately unworkable. For example, "iChat" has been suggested as alternative source of information for consumer reporting agencies. However, the iChat system often presents incomplete criminal history data, and notably even instructs users to use court records as the ultimate authority on a case.

With a recovering economy, it is now more important than ever to prevent any delays that disadvantage Michiganders seeking employment, housing, and much more. HB 5683 will ensure that the State of Michigan is not enacting unnecessary barriers to those goals. We strongly support HB 5683 and urge swift passage by the Judiciary Committee, House, Senate and enactment into law before the end of this year. Thank you for your consideration of our support.

