



## MICHIGAN

### MICH. COMP. LAWS § 600.2157a

**Type of Privilege:** Qualified by judicial decision

**Privilege:**

- A confidential communication, report, working paper, or statement given or made in connection with a consultation between a victim and a sexual assault counselor may not be admitted as evidence in any criminal or civil proceeding without the prior written consent of the victim  
MICH. COMP. LAWS § 600.2157a (2)

**Statutory Exceptions to Privilege:**

- Mandatory reporting of child abuse or neglect MICH. COMP. LAWS § 600.2157a (2)

**In Camera Review:** Provided for by judicial decision

- People v. Stanaway, 521 N.W.2d 557, 570, 5 (Mich. 1994)
  - Even though the privilege statute is absolute on its face, statutory privileges must yield when they interfere with the constitutional rights of defendants
  - If defendant can show that there is a reasonable probability that the privileged records contain material information necessary to the defense, the judge will conduct an in camera inspection of the records to determine whether they must be disclosed to defense counsel
  - A judicial in camera review of the privileged records conducted only after defendant has made the required showing balances a criminal defendant's due process right to a fair trial against the state's interest in protecting

**Holder of Privilege:**

- Only victim may waive the privilege MICH. COMP. LAWS § 600.2157a (2)

**Waiver of Privilege:**

- Consent must be given prior to the proceeding, and must be in writing MICH. COMP. LAWS § 600.2157a (2)

### **DEFINITIONS:**

**Confidential Communication:**

- Information transmitted between a victim and a sexual assault or domestic violence counselor, or between a victim or sexual assault or domestic violence counselor and any other person to whom disclosure is reasonably necessary to further the interests of the victim, in connection with the rendering of advice, counseling, or other assistance by the sexual assault or domestic violence counselor to the victim. MICH. COMP. LAWS § 600.2157a (1) (a)

**Sexual Assault Crisis Center:**

- An institution or agency that assists victims of sexual assault and their families through crisis intervention and counseling MICH. COMP. LAWS § 600.2157a (1) (e)

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**Sexual Assault Counselor:**

- A person who is employed at or who volunteers service at a sexual assault crisis center, and who provides advice, counseling, or other assistance to victims of sexual assault and their families

MICH. COMP. LAWS § 600.2157a (1) (d)

**Training Requirements for Sexual Assault Counselors:** None specified

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