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Written Testimony In Support of HBs 5300, 5301, 5302, and 5303

I am the Prosecuting Attorney for Washtenaw County. I write to provide my strong and unqualified support for HBs 5300, 5301, 5302, and 5303. These bills—which would eliminate unnecessary burdens related to name changes—will benefit communities across Michigan. Given my position as Prosecuting Attorney, however, I wish to focus my written testimony on the bills' beneficial impact on public safety.

As a preliminary matter, I do not believe that the elimination of mandatory fingerprinting and criminal-background checks will have any negative impact on public safety. The notion that sophisticated actors might seek to change their names in order to commit new criminal offenses strikes me as farfetched, at best. After all, any such proposition would rely on an extraordinarily attenuated chain of logic. Namely, it would presume that:

- (1) there is some significant number class of would-be criminals out there who wish to disguise their identity in order to commit some crime; *and*
- (2) to facilitate that disguised identity, they wish to go through the legal name-change process (rather than, say, just giving an alias or another person's name); *and*
- (3) this would-be class of criminals has been dissuaded from going through the legal name-change process because of the mandatory fingerprinting and criminal background checks; *and*
- (4) because that would-be class of criminals has been disincentivized from changing their names, they *opted not to commit crimes that they would otherwise have committed*; *and*
- (5) this would-be class of criminals will become aware of HBs 5300-5303, and will thereafter will choose to change their names and then commit crimes.

In my experience, that is simply not how the world works. The vast majority of criminal activity is relatively unplanned. Most would-be criminals do not wait for a court process to play out before they commit planned criminal acts.

There are, moreover, vanishingly few crimes that would necessitate a legal name-change. To be sure, I have seen individuals who try to disguise their identity once stopped by the police. But they usually do so by giving an alias or a fake name (which doesn't tend to work).

It is, moreover, difficult for me to conceive of a person who has been dissuaded from criminal activity simply because Michigan's name-change process requires fingerprinting and a

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criminal background check. If somebody really wishes to attempt a crime, these bureaucratic obstacles are unlikely to deter them. It is no exaggeration to say that I cannot think of a single case—or potential case—that has come across my desk that HBs 5300-5303 would have negatively impacted.

If enacted, however, HBs 5300-5303 promise significant public safety *benefits*. The bills will make it easier for people to change their names for reasons unrelated to marriage, including, most notably, to correspond with their gender identity. And when a person’s legal, government-recognized name corresponds with their gender identity, they are more likely to feel respected by government actors across the legal system—from police to prosecutors to judges.

That means crime victims will feel more comfortable coming forward to report a crime, and will feel more comfortable serving as witnesses in a criminal case. In turn, that means that criminal cases are more likely to be reported. They will be more likely to be prosecuted. And those cases will be more likely to end in a conviction.

On this point, it bears emphasis that transgender people are *four times* more likely to be subjected to personal violence than cisgender people.¹ Transgender young people, moreover, “are at a particularly high risk for sex trafficking.”² It is therefore imperative that we do everything possible to ensure that transgender victims feel comfortable reporting crime, and participating in the legal system. HBs 5300-5303 are a promising step in the right direction.

From a public-safety standpoint, of course, these bills are hardly a silver bullet. There is so much work to do to ensure that victims and witnesses of crime feel comfortable participating in the legal system. But something as simple as being called by one’s preferred name can indeed increase the comfort levels of those involved in judicial processes. If we can make the name-change process simpler, we should do so. And that is precisely what these bills will do.

I therefore urge the committee to move these bills forward. Thank you for this opportunity to provide my perspective.



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¹¹ Andrew Flores, et al., Hate crimes against LGBT people: National Crime Victimization Survey, 2017-2019, PLOS ONE, (Dec. 21, 2022), <https://doi.org/10.1371/journal.pone.0279363>.

² Tomaszewicz, M. L. (2018). Sex trafficking of transgender and gender nonconforming youth in the United States. Chicago: Loyola University School of Law Center for the Human Rights of Children.