



Senate Fiscal Agency
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Senate Bill 342 (as introduced 5-22-19)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

Date Completed: 5-22-19

CONTENT

The bill would amend Chapter XVI (Miscellaneous Provisions) of the Code of Criminal Procedure to prohibit a law enforcement official from obtaining, accessing, or using face recognition technology or information obtained from face recognition technology to enforce State or local laws.

Specifically, the bill would prohibit a law enforcement official from obtaining, accessing, or using any face recognition technology or any information obtained from the use of face recognition technology to enforce the laws of the State or a political subdivision of the State.

"Law enforcement official" would mean any of the following:

- A police officer of the State or a political subdivision of the State as defined in the Michigan Commission on Law Enforcement Standards Act.
- A county sheriff or his or her deputy.
- A prosecuting attorney.
- A public safety officer of a college or university.
- A conservation officer of the Department of Natural Resources.
- An individual acting under the direction of a law enforcement official described above.

"Face recognition technology" would mean an automated or semiautomated process that assists in identifying or verifying an individual based on that individual's face.

Evidence obtained and arrest and search warrants issued because of a violation of this prohibition would be subject to the rules governing exclusion as if the evidence or arrest or search warrant were obtained in violation of the Fourth Amendment to the U.S. Constitution and Article I, Section 11 of the Michigan Constitution.

Proposed MCL 776.21b

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no direct fiscal impact on the Department of State Police and other law enforcement agencies; however, the Department asserts that the use of facial recognition technology can be an efficient time- and money-saving method of apprehending criminal suspects.

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.