

SENATE BILL No. 342

May 22, 2019, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21b to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVI

SEC. 21B. (1) A LAW ENFORCEMENT OFFICIAL SHALL NOT OBTAIN, ACCESS, OR USE ANY FACE RECOGNITION TECHNOLOGY OR ANY INFORMATION OBTAINED FROM THE USE OF FACE RECOGNITION TECHNOLOGY TO ENFORCE THE LAWS OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

(2) EVIDENCE OBTAINED AND ARREST AND SEARCH WARRANTS ISSUED BECAUSE OF A VIOLATION OF THIS SECTION ARE SUBJECT TO THE RULES GOVERNING EXCLUSION AS IF THE EVIDENCE, ARREST WARRANT, OR SEARCH WARRANT WAS OBTAINED IN VIOLATION OF AMENDMENT IV OF THE CONSTITUTION OF THE UNITED STATES AND SECTION 11 OF ARTICLE I OF

1 THE STATE CONSTITUTION OF 1963.

2 (3) AS USED IN THIS SECTION:

3 (A) "FACE RECOGNITION TECHNOLOGY" MEANS AN AUTOMATED OR SEMI-
4 AUTOMATED PROCESS THAT ASSISTS IN IDENTIFYING OR VERIFYING AN
5 INDIVIDUAL BASED UPON THAT INDIVIDUAL'S FACE.

6 (B) "LAW ENFORCEMENT OFFICIAL" MEANS ANY OF THE FOLLOWING:

7 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVISION
8 OF THIS STATE AS DEFINED IN SECTION 2 OF THE MICHIGAN COMMISSION ON
9 LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.602.

10 (ii) A COUNTY SHERIFF OR HIS OR HER DEPUTY.

11 (iii) A PROSECUTING ATTORNEY.

12 (iv) A PUBLIC SAFETY OFFICER OF A COLLEGE OR UNIVERSITY.

13 (v) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
14 RESOURCES AND ENVIRONMENT.

15 (vi) AN INDIVIDUAL ACTING UNDER THE DIRECTION OF A LAW
16 ENFORCEMENT OFFICIAL DESCRIBED IN SUBPARAGRAPHS (i) TO (v).