

HOUSE BILL No. 5162

December 15, 2015, Introduced by Reps. Howrylak, Cole, Kelly, Glenn, Lauwers, Irwin, Runestad, Robinson, McBroom, Franz, Lucido, Hooker, Victory, Aaron Miller, Chatfield, Johnson, Somerville, Pagan, Clemente, Dianda, Goike and Chang and referred to the Committee on Oversight and Ethics.

A bill to prohibit this state and certain other governmental agents, employees, and entities in this state from assisting a federal agency in obtaining certain forms of data without a warrant; and to prohibit certain uses of certain data collected without a warrant.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Fourth Amendment rights protection act".

3 Sec. 2. This state or a political subdivision of this state
4 shall not assist, participate with, or provide material support
5 or resources to a federal agency to enable it to collect or to
6 facilitate in the collection or use of a person's electronic
7 data or metadata, unless 1 or more of the following
8 circumstances apply:

1 (a) The person has given informed consent.

2 (b) The action is pursuant to a warrant that is based upon
3 probable cause and particularly describes the person, place, or
4 thing to be searched or seized.

5 (c) The action is in accordance with a legally recognized
6 exception to warrant requirements.

7 Enacting section 1. This act takes effect 90 days after the
8 date it is enacted into law.