SUBSTITUTE FOR SENATE BILL NO. 342

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:

1 CHAPTER XVI

Sec. 21b. (1) Except as provided in subsection (3) or (4), a law enforcement official shall not obtain, access, or use any real-time facial recognition technology or any information obtained from the use of real-time facial 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



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- 1 warrant was obtained in violation of Amendment IV of the
- 2 Constitution of the United States and section 11 of article I of
- 3 the state constitution of 1963.
- 4 (3) This section does not apply to the use of real-time facial
- 5 recognition technology to confirm an individual's compliance with,
- 6 or to demonstrate a failure to comply with or a violation of, any
- 7 court-ordered electronic monitoring program.
- 8 (4) This section does not apply to the use of real-time facial
- 9 recognition technology under a belief that an emergency exists
- 10 involving imminent risk to an individual or individuals of death,
- 11 serious physical injury, sexual abuse, live-streamed sexual
- 12 exploitation, kidnapping, or human trafficking and the use of the
- 13 real-time facial recognition technology may prevent or stop the
- 14 emergency.
- 15 (5) As used in this section:
- (a) "Law enforcement official" means any of the following:
- 17 (i) A police officer of this state or a political subdivision
- 18 of this state as defined in section 2 of the Michigan commission on
- 19 law enforcement standards act, 1965 PA 203, MCL 28.602.
- 20 (ii) A county sheriff or his or her deputy.
- 21 (iii) A prosecuting attorney.
- 22 (iv) A public safety officer of a college or university.
- 23 (v) A conservation officer of the department of natural
- 24 resources and environment.
- 25 (vi) An individual acting under the direction of a law
- 26 enforcement official described in subparagraphs (i) to (v).
- 27 (b) "Real-time facial recognition technology" means a
- 28 technological process that involves the constant scanning of live
- 29 video feeds to instantaneously, or apparently instantaneously,

1 match moving faces with a database of still images.

