

# HOUSE BILL No. 5420

March 20, 2014, Introduced by Reps. McMillin, Kelly, Robinson, Irwin, McBroom, MacMaster, Franz, Lauwers, Switalski, Olumba and Banks and referred to the Committee on Judiciary.

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; to prohibit certain uses of certain data collected without a warrant; to provide sanctions for a local unit of government that adopts a measure that conflicts with this act; and to provide sanctions for a violation of this act.

**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. (1) Subject to any exceptions to warrant  
4 requirements under state law, an agency of this state, a  
5 political subdivision of this state, an agent or employee of  
6 this state or of a political subdivision of this state acting in

1 his or her official capacity, or a corporation in the course of  
2 providing services on behalf of this state or a political  
3 subdivision of this state shall not do any of the following:

4 (a) Provide to a federal agency material support,  
5 participation, or assistance in any form that aids in collecting  
6 electronic data or metadata concerning any person, if the  
7 collection is not pursuant to a warrant that particularly  
8 describes the place to be searched and the person or thing to be  
9 seized. This subdivision applies, notwithstanding any federal  
10 law, rule, regulation, or order that purports to authorize the  
11 electronic data or metadata collection.

12 (b) Use any assets, state funds, or funds allocated by this  
13 state to local entities on or after the effective date of this  
14 act, in whole or in part, to engage in any activity that aids a  
15 federal agency, federal agent, or a corporation in the course of  
16 providing services to a federal agency or agent in collecting  
17 electronic data or metadata of any person by an action if the  
18 collection is not pursuant to a warrant that particularly  
19 describes the place to be searched and the person or thing to be  
20 seized.

21 (c) Provide services, participate in providing services, or  
22 assist in any way with providing services to a federal agency,  
23 federal agent, or a corporation in the course of providing  
24 services to a federal agency or agent involved in the collection  
25 of electronic data or metadata of any person by any action, if  
26 the collection is not pursuant to a warrant that particularly  
27 describes the place to be searched and the person or thing to be

1 seized.

2 (d) Use any information in a criminal investigation or  
3 prosecution if the information is both of the following:

4 (i) Provided by a federal agency, federal agent, or a  
5 corporation in the course of providing services to a federal  
6 agency or agent.

7 (ii) Obtained by collecting electronic data or metadata of  
8 any person without a warrant that particularly described the  
9 place to be searched and the person or thing to be seized.

10 (2) A person who violates this section is guilty of a  
11 misdemeanor punishable by imprisonment for not more than 90 days.

12 Sec. 3. (1) This act supersedes any conflicting law,  
13 regulation, rule, or order to the extent consistent with the state  
14 constitution of 1963 and the United States constitution.

15 (2) This act does not prohibit any of the following:

16 (a) Compliance with a federal subpoena.

17 (b) Use of electronic data or metadata that have been  
18 voluntarily provided to a federal agency, federal agent, or  
19 corporation providing services to the federal government.