HOUSE BILL NO. 6392

September 24, 2026, Introduced by Reps. B. Carter, Tsernoglou, Miller, Edwards, Steckloff, O'Neal and Dievendorf and referred to Committee on Judiciary.

A bill to amend 1961 PA 236, entitled

"Revised judicature act of 1961,"

(MCL 600.101 to 600.9947) by adding section 2980.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2980. (1) An AI detection tool provider is strictly liable for personal injury, death, or damage to property if all of the following apply:

(a) An AI detection tool provided by the AI detection tool provider is used to identify an individual or vehicle.

(b) The AI detection tool misidentifies the individual or

vehicle.

(c) Law enforcement acts because the AI detection tool misidentified the individual or vehicle.

(d) The act described in subdivision (c) causes the personal injury, death, or property damage.

(2) Except as provided in subsection (3), all of the following are reasonably foreseeable consequences of misidentification by an AI detection tool and do not reduce or eliminate the liability imposed on an AI detection tool provider under this section:

(a) An intentional act by law enforcement to detain a misidentified individual or an occupant of a misidentified vehicle, including an act that is reasonable to ordinary law enforcement under the circumstances of the nature and severity of misconduct that is incorrectly attributed to the misidentified individual, misidentified vehicle, or occupant of the misidentified vehicle because of the misidentification.

(b) An intentional act by a misidentified individual or an occupant of a misidentified vehicle if the act is foreseeable under the circumstances that the individual or occupant believes that law enforcement is acting without lawful authority, including, but not limited to, an act to resist, obstruct, or oppose law enforcement as those terms are applied under section 81d of the Michigan penal code, 1931 PA 328, MCL 750.81d.

(c) An intentional act by law enforcement that is within law enforcement's lawful authority to respond to an act described in subdivision (b).

(3) An act described in subsection (2) is not a reasonably foreseeable consequence of misidentification by an AI detection tool and reduces or eliminates the liability imposed on an AI

detection tool provider under this section if any of the following apply:

(a) An act described in subsection (2)(a) is within law enforcement's lawful authority based on information known to law enforcement independently of the misidentification by the AI detection tool.

(b) An act described in subsection (2)(b) is in response to an act by law enforcement that is within law enforcement's lawful authority based on information known to law enforcement independently of the misidentification by the AI detection tool.

(c) An act described in subsection (2)(c) is in response to an act that meets the requirements under subdivision (b).

(d) Except for an act described in subsection (2)(b), an act by the plaintiff is both of the following:

(*i*) Known to law enforcement.

(*ii*) Justifies detention of the plaintiff independently from the misidentification by the AI detection tool.

(4) An AI detection tool provider may not waive, limit, or transfer liability imposed on the AI detection tool provider under this section, including a waiver, limitation, or transfer by agreement with law enforcement or a unit of government. The portion of an agreement that purports to waive, limit, or transfer liability imposed on an AI detection tool provider under this section is void. This subsection does not apply to an insurance policy purchased by the AI detection tool provider. This subsection applies to agreements that are entered, amended, extended, or otherwise modified on or after the effective date of the amendatory act that added this section.

(5) Section 2946a does not apply to this section.

(6) As used in this section:

(a) "AI detection tool" means a system of 1 or more mobile or fixed automated cameras that capture 1 or more images of an individual or vehicle that are processed with artificial intelligence to identify the individual or vehicle.

(b) "AI detection tool provider" means a person that manufactures, sells, leases, or distributes an AI detection tool to law enforcement, a local unit of government, or any other entity.

(c) "Law enforcement" includes all of the following:

(*i*) A police officer of this state or of a political subdivision of this state, including, but not limited to, a motor carrier officer or capitol security officer of the department of state police.

(*ii*) A police officer of a junior college, college, or university who is authorized by the governing board of that junior college, college, or university to enforce state law and the rules and ordinances of that junior college, college, or university.

(*iii*) A conservation officer of the department of natural resources.

(*iv*) A conservation officer of the United States Department of the Interior.

(*v*) A sheriff or deputy sheriff.

(*vi*) A constable.

(*vii*) A peace officer of a duly authorized police agency of the United States, including, but not limited to, an agent of the United States Secret Service or United States Department of Justice.

(d) "Misidentified vehicle" includes, but is not limited to, either of the following:

(*i*) A vehicle that is targeted by law enforcement because of the misidentification of an owner or regular user of the vehicle.

(*ii*) A vehicle that is misidentified based on the physical condition of the vehicle. For the purposes of this subparagraph, "physical condition of the vehicle" includes, but is not limited to, the vehicle's license plate.

(e) "Person" means an individual or a partnership, corporation, limited liability company, association, governmental entity, or other legal entity.

(f) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.