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## BILL ANALYSIS



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Senate Bill 342 (Substitute S-1 as reported)  
Sponsor: Senator Peter J. Lucido  
Committee: Judiciary and Public Safety

**CONTENT**

The bill would amend Chapter XVI (Miscellaneous Provisions) of the Code of Criminal Procedure to prohibit a law enforcement official from obtaining, gaining access to, or using real-time facial recognition technology or information obtained from real-time facial recognition technology to enforce State or local laws.

Specifically, except as provided otherwise, the bill would prohibit a law enforcement official from obtaining, gaining access to, or using any real-time facial recognition technology or any information obtained from the use of real-time facial recognition technology to enforce the laws of the State or a political subdivision of the State.

"Real-time facial recognition technology" would mean a technological process that involves the constant scanning of live video feeds to instantaneously, or apparently instantaneously, match moving faces with a database of still images.

Evidence obtained and arrest and search warrants issued because of a violation of this prohibition would be subject to the rules governing exclusion as if the evidence or arrest or search warrant were obtained in violation of the Fourth Amendment to the U.S. Constitution and Article I, Section 11 of the Michigan Constitution.

The bill would not apply to the use of real-time facial recognition technology to confirm an individual's compliance with, or to demonstrate a failure to comply with or a violation of, any court-ordered electronic monitoring program.

The bill also would not apply to the use of real-time facial technology under a belief that an emergency existed involving imminent risk to an individual or individuals of death, serious physical injury, sexual abuse, live-streamed sexual exploitation, kidnapping, or human trafficking, and the use of real-time facial recognition technology could prevent or stop the emergency.

Proposed MCL 776.21b

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have no direct fiscal impact on the Department of State Police and other law enforcement agencies; however, the Department asserts that the use of real-time facial recognition technology can be an efficient time- and money-saving method of apprehending criminal suspects.

Date Completed: 10-7-19

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