

# HOUSE BILL NO. 5572

February 27, 2020, Introduced by Reps. Steven Johnson, Paquette, LaFave, Bellino, Berman and LaGrand and referred to the Committee on Communications and Technology.

A bill to amend 1966 PA 189, entitled  
"An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,"

(MCL 780.651 to 780.659) by amending the title and by adding section 2b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

TITLE



1 An act to provide procedures for making complaints for,  
2 obtaining, executing, and returning search warrants; **to prohibit**  
3 **certain conduct related to warrants and prescribe penalties;** and to  
4 repeal certain acts and parts of acts.

5 Sec. 2b. (1) An officer shall not use a surveillance device to  
6 track a mobile device or capture or collect a mobile device user's  
7 location, conversation, text message, web browser activity, or the  
8 unique identifier of a mobile device without first obtaining a  
9 search warrant under this act authorizing the use of that device  
10 for that purpose.

11 (2) An application for a warrant under this section shall  
12 contain a description of the capabilities of the surveillance  
13 device and the manner in which that surveillance device will be  
14 deployed.

15 (3) An officer who obtained data as described in subsection  
16 (1) shall notify every person by United States mail whose data was  
17 collected, intentionally or unintentionally, without being named in  
18 a warrant issued under this section not more than 30 days after  
19 obtaining that data. A notice mailed under this subsection must  
20 contain a description and disposition of the data that was  
21 collected.

22 (4) An officer who intentionally violates subsection (1), (2),  
23 or (3) is guilty of a crime as follows:

24 (a) For a first offense, the officer is guilty of a  
25 misdemeanor punishable by imprisonment for not more than 93 days or  
26 a fine of not more than \$500.00, or both.

27 (b) For a second or subsequent offense, the officer is guilty  
28 of a felony punishable by imprisonment for not more than 4 years or  
29 a fine of not more than \$2,000.00, or both.

1           (5) As used in this section, "surveillance device" means a  
2 device intended to be used by a person other than a telephone  
3 service provider to intercept any data or voice communications,  
4 including communications to or from cellular telephones or other  
5 mobile devices.

