

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4430**

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; and to prohibit certain uses of certain data collected without a warrant.

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. As used in this act:

4 (a) "Electronic data" means information related to an
5 electronic communication or the use of an electronic communication
6 service, including, but not limited to, the contents, sender,
7 recipients, or format of an electronic communication; the precise
8 or approximate location of the sender or recipients of an

1 electronic communication at any time during the communication; the
2 time or date the communication was created, sent, or received; and
3 the identity of an individual or device involved in the
4 communication, including, but not limited to, an internet protocol
5 address. The term does not include subscriber information.

6 (b) "Metadata" means information generally not visible when an
7 electronic document is printed describing the history, tracking, or
8 management of the electronic document, including information about
9 data in the electronic document that describes how, when, and by
10 whom the data were collected, created, accessed, or modified and
11 how the data are formatted. The term does not include any of the
12 following:

13 (i) A spreadsheet formula.

14 (ii) A database field.

15 (iii) An externally or internally linked file.

16 (iv) A reference to an external file or hyperlink.

17 Sec. 3. This state or a political subdivision of this state
18 shall not assist, participate with, or provide material support or
19 resources to a federal agency to enable it to collect or to
20 facilitate in the collection or use of a person's electronic data
21 or metadata, unless 1 or more of the following circumstances apply:

22 (a) The person has given informed consent.

23 (b) The action is pursuant to a warrant that is based upon
24 probable cause and particularly describes the person, place, or
25 thing to be searched or seized.

26 (c) The action is in accordance with a legally recognized
27 exception to warrant requirements.

1 (d) The action will not infringe on any reasonable expectation
2 of privacy the person may have.

3 (e) This state or a political subdivision of this state
4 collected the electronic data or metadata legally.

5 Enacting section 1. This act takes effect 90 days after the
6 date it is enacted into law.