

# Legislative Analysis

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## **ACCESSING ELECTRONIC DATA OR COMMUNICATIONS: REQUIRE SEARCH WARRANT**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

Analysis available at  
<http://www.legislature.mi.gov>

**House Joint Resolution C as introduced**  
**Sponsor: Rep. Jim Runestad**  
**1st Committee: Law and Justice**  
**2nd Committee: Judiciary**  
**Complete to 3-27-17**

### **SUMMARY:**

House Joint Resolution C would amend Section 11 of Article I of the state constitution to require the government to obtain a search warrant in order to access a person's electronic data or electronic communications.

Currently, Section 11 protects against unreasonable searches and seizures by the government. A warrant cannot be issued to search a place or seize a person or things without describing them and must show probable cause, supported by oath or affirmation.

The resolution would apply the protection described above to electronic data and electronic communications and would require a search warrant to access electronic data or electronic communications.

To become part of the constitution, the resolution requires a two-thirds vote in each house of the legislature and approval by the voters at the next general election. A general election is an election held in November of an even-numbered year.

### **FISCAL IMPACT:**

This amendment would have no fiscal impact on the Department of State Police, local law enforcement agencies, or the judiciary.

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