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Senate Bill 341 (Substitute S-1 as reported)

Sponsor: Senator Peter J. Lucido

Committee: Judiciary and Public Safety

## **CONTENT**

The bill would enact the "Electronic Information and Data Privacy Act" to do the following:

- Prohibit a law enforcement officer from obtaining without a search warrant the location information, stored data, or transmitted data of an electronic device, or electronic information or data transmitted by the owner of the information or data to a remote computing service provider, except as otherwise provided.
- Prohibit a law enforcement agency from using, copying, or disclosing the information or data that was not the subject of a warrant and was collected as part of an effort to obtain information or data that was the subject of the warrant.
- Allow a law enforcement agency to use, copy, disclose, store, or retain the information that was subject to a warrant if the agency reasonably believed that the data were necessary to achieve the warrant's objectives.
- Require a law enforcement agency to destroy in an unrecoverable manner the electronic information or data described above as soon as reasonably possible after the electronic information or data was collected.
- Allow a law enforcement agency to obtain location information and stored or transmitted data without a warrant under certain circumstances.
- Require a law enforcement agency that executed a search warrant to issue, within 14 days after the information or data was obtained, a notification to the owner of the electronic device, information, or data specified in the warrant.
- Allow a law enforcement agency to seek, and a court to grant permission, to delay a notification under certain circumstances.
- Prohibit a law enforcement agency from obtaining, using, copying, or disclosing a subscriber record, except as otherwise provided.
- Prohibit a law enforcement agency from obtaining, using, copying, or disclosing any record or information, other than a subscriber record, without a warrant.
- Allow a law enforcement officer to obtain, use, copy, disclose, store, or retain a subscriber record, or other record or information related to a subscriber or customer, without a warrant under certain circumstances.

Legislative Analyst: Stephen Jackson

## **FISCAL IMPACT**

The bill would have a minor fiscal impact on the Department of State Police and other law enforcement agencies. According to the Department, nearly all electronic device interception activity currently is performed under the authority of a warrant. However, such acts have not been subject to the notification and reporting requirements proposed under the bill, which would add administrative costs to these agencies, at an amount that cannot be determined at this time.

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