

ACLU of Michigan Legislative Docket: Privacy and Technology

The ACLU maintains a presence in Lansing that enables us to pass policies that expand civil liberties or prevent the passage of policies that are hostile to civil liberties. Through traditional lobbying techniques lobbying, advocacy, and advocacy the legislative program seeks to advance and protect our civil liberties.

The ACLU of Michigan's legislative program works on a breadth of issues. To give you an idea of what we've been up to, we have provided a brief summary, our position on the issue and where the bill is currently situation in the legislative process. We have stated our position on each bill using brief descriptors:

- **Actively Support/ Oppose:** *The ACLU considers this bill high priority and has taken direct action to support or opposing the bill. The bill has, more likely than not, seen movement in the Legislature during the current session.*
- **Support/Oppose:** *Based on its own policies, the ACLU supports or opposes the bill but has not taken an affirmative action OR the legislation has not moved through the legislature and therefore the ACLU has not needed to take direct action at this point.*
- **Remain Neutral:** *As written, the bill does include some civil liberties issues but the ACLU has taken no direct action to support or oppose the legislation.*

Noncompliance with National Defense Authorization Act

Senate Bill 94 and House Bill 4138

Sponsor: Sen. Rick Jones (R-Grand Ledge) and Rep. Tom McMillin (R-Rochester Hills)

ACLU Position: **Actively Support**

Status: Senate Bill 94 signed into law as [Public Act of 2013](#), HB 4138 Passed Senate Committee

Prevents state cooperation with federal agents attempting to detain people without due process in Michigan, declaring that no state official or agency "shall aid an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to section 1021 of the national defense authorization act..."

More information: <https://www.aclu.org/blog/national-security/hey-chairman-levin-michigan-house-says-you-should-fix-ndaa>

Domestic Drone Regulation

House Bills 4455 and House Bill 4456

Sponsor: Rep. Tom McMillin (R-Rochester Hills)

ACLU Position: **Actively Support**

Status: Referred to House Criminal Justice Committee, received one committee hearing.

Creates a new act to regulate the use Unmanned Aerial Vehicles (domestic drones) by public entities and includes the following:

- Bans use the use weapons on drones
- Requires search warrants or court orders for drone operations targeting private property or for criminal investigations.
- Regulates the disclosure of information gathered from the use of drones.
- Requires public entities using drones to report on drone operations to the Legislature, courts, attorney general, and/or state court administrator and make the information available on the entity's website.

More Information: <http://aclumich.org/blog/2013-04-17/dealing-drones-michigan>

License Plate Scanning Regulation

House Bill 4981

Sponsor: Rep. Sam Singh (D-East Lansing)

ACLU Position: **Actively Support**

Status: Referred to House Committee on Criminal Justice

Restricts and regulates the use of registration plate reading devices, also known as license plate readers or RPRs, by law enforcement and includes the followings:

- Restrict the use of license plate readers, and access to collected data, to law enforcement agencies for specified purposes such as identifying stolen vehicles.
- Require the plate numbers to be purged within 48 hours of the end of the shift in which they were collected, with some exceptions.
- Allow the attorney general or a designee to examine and audit a license plate reader.
- Allow an injunction to ban the use of license plate readers by a law enforcement agency that is found to repeatedly misuse them and confiscate the agency's devices.

More information: <http://aclumich.org/blog/2013-10-16/are-you-being-tracked>

Collection of Student Data

House Bill 5044

Sponsor: Rep. Tim Kelly (R-Saginaw Township)

Status: Referred to House Committee on Education

ACLU Position: **Support**

This law would amend the Revised School Code by disallowing a school district, intermediate school district or public school academy from requiring a student to disclose any of the following information:

- socioeconomic data or personally identifiable information other than the student's name or identification number
- place of birth
- political affiliations or beliefs of the student or a student's family member
- religious practices, affiliations, or beliefs of the student or a student's family member
- income or family income (unless required by law to determine eligibility for financial assistance)
- other information concerning a student's relationships, health, behaviors, attitude or beliefs or those of a family member unless authorized in writing by the student's parent or legal guardian
- biometric data
- physiological response data that reveals measurement of a student's blood volume, pulse or galvanic skin response
- behavioral response data obtained through the use of facial recognition technology or other devices

This law would also prohibit school districts, intermediate school districts and public school academies from disclosing to any agency of the federal government, the state board, or other outside entity any information that would reveal the data listed above.

Federal Collection of Electronic Data and Metadata

House Bill 5420

Sponsor: Rep. Tom McMillin (R-Rochester Hills)

Status: Referred to House Committee on Judiciary

Position: **Support**

This law would create the Fourth Amendment Rights Protection Act. The act would prohibit the state and some governmental agents, employees and entities from assisting a federal agency in obtaining certain types of electronic data and metadata without a warrant. The act would also prohibit the use of certain types of collected data absent a warrant. The act provides sanctions for violations of the act and sanctions for local governments that adopt any measure that might conflict with the act. The act would not prohibit compliance with a subpoena or the use of electronic data or metadata that has been

voluntarily provided. The act does not purport to preempt any federal laws, rules, regulations or others that authorize electronic data or metadata collection.

DNA Collection from Individuals Arrested for Felony Crimes

Senate Bill 105

Sponsor: Sen. Tonya Schuitmaker (R-Lawton)

ACLU Position: **Neutral**

Status: Passed Senate Judiciary Committee

This law would amend the DNA Identification Profiling System Act, allowing for the collection of a DNA identification profiling system wherein samples from individuals arrested for committing or attempting to commit a felony offense would be collected. The ACLU is comfortable with amendments made that respect the privacy and due process of arrestees.

DNA Collection from Individuals Arrested for Felony Crimes

Senate Bill 106

Sponsor: Sen. Tonya Schuitmaker (R-Lawton)

ACLU Position: **Neutral**

Status: Passed Senate Judiciary Committee

This law would amend the Probate Code of 1939, allowing for the collection of a DNA identification profiling system wherein samples from individuals arrested for committing or attempting to commit a felony offense would be collected. The ACLU is comfortable with amendments made that respect the privacy and due process of arrestees.

DNA Collection from Individuals Arrested for Felony Crimes

Senate Bill 107

Sponsor: Sen. Rick Jones (R-Grand Ledge)

ACLU Position: **Neutral**

Status: Passed Senate Judiciary Committee

This law would amend the Michigan Penal Code, allowing for the collection of a DNA identification profiling system wherein samples from individuals arrested for committing or attempting to commit a felony offense would be collected. The ACLU is comfortable with amendments made that respect the privacy and due process of arrestees.

Employee Contraceptive Privacy Act

Senate Bill 732 and House Bill 5416

Sponsor: Sen. Jim Ananich (D-Flint), Rep. Marcia Hovey-Wright (D-Muskegon)

ACLU Position: **Support**

Status: Introduced and referred to House Government Operations Committee, Introduced and referred to House Judiciary Committee respectively

Also see Employment Discrimination and Reproductive Rights

Both bills are identical and would prohibit an employer from inquiring as to an employee's or applicant for employment's use or nonuse of contraceptives; discrimination against an employee's or applicant for employment's for failure to provide information concerning use or nonuse of contraceptives; retaliate or discriminate against an employee because the employee has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing concerning an alleged violation of this act.

Privacy and Technology Vote Counts

National Defense Authorization Act, [Senate Bill 94](#) – ACLU

Support

Unanimous vote in support by both the House and the Senate.