

HOUSE BILL No. 6177

(As amended, November 10, 2004)

September 9, 2004, Introduced by Rep. Rocca and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 539k. (1) A person who is not a party to a transaction
2 that involves the use of a financial transaction device shall not
3 secretly or surreptitiously photograph, <<or otherwise capture or record,
4 electronically or by any other means, or distribute, disseminate, or
5 transmit, electronically or by any other means,>> personal identifying
6 information from the transaction without the consent of the
7 individual.

7 (2) This section does not prohibit the capture or
8 transmission of personal identifying information in the ordinary
9 and lawful course of business.

<<(3) This section does not apply to a peace officer of this state, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section.>>

10 <<(5)>> A person who violates this section is guilty of a
11 misdemeanor punishable by imprisonment for not more than 1 year

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1 or a fine of not more than \$1,000.00, or both.

2 <<(6)>> As used in this section:

3 (a) "Financial transaction device" means that term as
4 defined in section 157m.

5 (b) "Personal identifying information" means that term as
6 defined in section 3 of the identity theft protection act, MCL
7 445.63.

8 Enacting section 1. This amendatory act takes effect March
9 1, 2005.