

SUBSTITUTE FOR
SENATE BILL NO. 918

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 539j. (1) A person shall not do any of the following:
- 2 (a) Surveil another individual who is clad only in his or her
- 3 undergarments, the unclad genitalia or buttocks of another
- 4 individual, or the unclad breasts of a female individual under
- 5 circumstances in which the individual would have a reasonable
- 6 expectation of privacy.
- 7 (b) Photograph, or otherwise capture or record, the visual
- 8 image of the undergarments worn by another individual, the unclad
- 9 genitalia or buttocks of another individual, or the unclad
- 10 breasts of a female individual under circumstances in which the
- 11 individual would have a reasonable expectation of privacy.

Senate Bill No. 918 as amended May 20, 2004
as amended June 1, 2004

1 (c) Distribute, disseminate, or transmit for access by any
2 other person a recording, photograph, or visual image the person
3 knows or has reason to know was obtained in violation of this
4 section.

5 (2) A person who violates or attempts to violate this section
6 is guilty of a crime as follows:

7 (a) For a violation or attempted violation of subsection
8 (1)(a):

9 (i) Except as provided in subparagraph (ii), the person is
10 guilty of a felony punishable by imprisonment for not more than 2
11 years or a fine of not more than \$2,000.00, or both.

12 (ii) If the person was previously convicted of violating or
13 attempting to violate subsection (1)(a), the person is guilty of
14 a felony punishable by imprisonment for not more than 5 years or
15 a fine of not more than \$5,000.00, or both.

16 (b) For a violation or attempted violation of subsection
17 (1)(b) or (c), the person is guilty of a felony punishable by
18 imprisonment for not more than 5 years or a fine of not more than
19 \$5,000.00, or both.

<<(3) 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 subsection (1)(a) to
(c).

(4) This section does not prohibit security monitoring in a
residence if conducted by or at the direction of the owner or principal
occupant of that residence unless conducted for a lewd or lascivious
purpose.

[(5) 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
performance of the officer's duties.

20 (6)]>> As used in this section, "surveil" means to subject an
21 individual to surveillance as that term is defined in section
22 539a.

23 Enacting section 1. This amendatory act takes effect

24 September 1, 2004.

25 Enacting section 2. This amendatory act does not take
26 effect unless House Bill No. 5692 of the 92nd Legislature is
27 enacted into law.