

SENATE BILL No. 601

October 3, 2013, Introduced by Senators JONES, BIEDA, HOPGOOD, ANANICH, PROOS, ROBERTSON, PAPPAGEORGE, MARLEAU, CASPERSON, MOOLENAAR, BRANDENBURG, ROCCA, MEEKHOF, JANSEN, CASWELL, HANSEN, BOOHER, COLBECK, HILDENBRAND, RICHARDVILLE, KAHN and EMMONS and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 539d (MCL 750.539d), as amended by 2004 PA 156.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 539d. (1) Except as otherwise provided in this section, a
2 person shall not do either of the following:

3 (a) Install, place, or use in any private place, without the
4 consent of the person or persons entitled to privacy in that place,
5 any device for observing, recording, transmitting, photographing,
6 or eavesdropping upon the sounds or events in that place.

7 (b) Distribute, disseminate, or transmit for access by any
8 other person a recording, photograph, or visual image the person
9 knows or has reason to know was obtained in violation of this
10 section.

11 (2) This section does not prohibit ~~security~~ **EITHER OF THE**

1 **FOLLOWING:**

2 (A) SECURITY monitoring in a residence if conducted by or at
3 the direction of the owner or principal occupant of that residence
4 unless conducted for a lewd or lascivious purpose.

5 (B) CONDUCT DESCRIBED IN SUBSECTION (1) PERFORMED BY A PERSON
6 ENGAGED IN HIS OR HER OFFICIAL DUTIES PURSUANT TO A SEARCH WARRANT
7 ISSUED UNDER SECTION 1A OF 1966 PA 189, MCL 780.1A.

8 (3) A person who violates or attempts to violate this section
9 is guilty of a crime as follows:

10 (a) For a violation or attempted violation of subsection
11 (1) (a):

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

15 (ii) If the person was previously convicted of violating or
16 attempting to violate this section, the person is guilty of a
17 felony punishable by imprisonment for not more than 5 years or a
18 fine of not more than \$5,000.00, or both.

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

23 (4) This section does not prohibit a person from being charged
24 with, convicted of, or punished for any other violation of law
25 committed by that person while violating or attempting to violate
26 subsection (1) (a) or (b).

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. 600

2 of the 97th Legislature is enacted into law.