



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 5421 (Substitute H-1 as passed by the House)  
Sponsor: Representative Graham Filler  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 9-9-20

**CONTENT**

**The bill would amend the Michigan Penal Code to specify that a provision prohibiting the use of a device to eavesdrop on a private conversation without the consent of all parties to the conversation would not apply to the use of a device for purposes of security monitoring of a residence.**

Section 539c of the Penal Code provides that a person who is present or who is not present during a private conversation who willfully uses any device to eavesdrop on the conversation without the consent of all parties to the conversation, or who knowingly aids, employs, or procures another person to violate this provision, is guilty of a felony punishable by up to two years' imprisonment or a maximum fine of \$2,000, or both.

("Eavesdrop" or "eavesdropping" means to overhear, record, amplify or transmit any part of the private discourse of others without the permission of all persons engaged in the discourse.)

Under the bill, Section 539c would not apply to the use of any device for purposes of security monitoring of a residence or other structures on residential property if conducted in conformity with Section 539d.

(Section 539d, in pertinent part, prohibits a person from doing either of the following:

- Installing, placing, or using in any private place, without the consent of the person or people entitled to privacy in that place, any device for observing, recording, transmitting, photographing, or eavesdropping on the sounds or events in that place.
- Distributing, disseminating, or transmitting for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of Section 539d.

Section 539d 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 lewd or lascivious purpose.)

MCL 750.539c

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.