



**House
Legislative
Analysis
Section**

Manufacturer's Bank Building, 12th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

POLICE MONITORS IN MOTOR VEHICLES

House Bill 4750 as enrolled
Second Analysis (7-3-90)

Sponsor: Rep. Thomas Scott
House Committee: Judiciary
Senate Committee: State Affairs, Tourism, and
Transportation

RECEIVED

OCT 08 1990

Mich. State Law Library

THE APPARENT PROBLEM:

The Federal Communications Commission (FCC) allows various classifications of licensed amateur radio operators to transmit and receive signals on federally authorized frequency allocations that are shared with police radio services. Michigan law exempts such operators from a requirement to obtain a permit from the state police before having a police band radio in a vehicle. However, the FCC has revised its classification system, replacing the "conditional" class currently recognized by Michigan law, with the "technician" class. It has been suggested that Michigan law be amended to make it consistent with the FCC licensing structure.

THE CONTENT OF THE BILL:

The Michigan Penal Code generally requires a person to obtain a permit from the state police to have a police radio monitor in a vehicle. Peace officers and certain licensed amateur radio operators are exempted from the permit requirement. The bill would replace a reference to "conditional" operators with a reference to "technician class" operators.

In addition, the bill would specify that the provisions regarding police radio monitors could not be construed as restricting the use of radar detectors.

MCL 750.508

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (4-10-90)

ARGUMENTS:

For:

The bill would make a penal code provision regarding amateur radio operators consistent with the classification system employed by the FCC. In addition, the bill would place in statute a provision consistent with the decision of the Michigan Supreme Court in People v. Gilbert (414 Mich. 191, 324 NW 2d 834 [1982]); in that case, the court held that a radar detector is not a "radio receiving set" within the meaning of the statute.

H.B. 4750 (7-3-90)