

HOUSE BILL No. 5643

March 28, 1990, Introduced by Reps.. Hoffman, Griffin, Martin, Bartnik, Dunaskiss, DeMars, Law, Wartner, Gilmer, Knight, Nye, Kulchitsky, Maynard, Bennett, Middaugh, Weeks, Rocca, Spaniola, Mathieu, Muxlow, Dolan and Hertel and referred to the Committee on Judiciary.

A bill to amend section 539g of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
being section 750.539g of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 539g of Act No. 328 of the Public Acts
2 of 1931, being section 750.539g of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 539g. ~~This act shall~~ SECTIONS 539A TO 539F DO not
5 ~~be construed to~~ prohibit ANY OF THE FOLLOWING:

6 (a) Eavesdropping or surveillance not otherwise prohibited
7 by law by a peace officer ~~or his agent~~ of this state or OF THE
8 federal government, OR THE OFFICER'S AGENT, while in the
9 performance of ~~his~~ THE OFFICER'S duties.

1 (b) Hearing ~~any~~ A communication transmitted by common
 2 carrier facilities by an employee of ~~any~~ A communications
 3 common carrier when acting in the course of his OR HER
 4 employment.

5 (c) The recording by ~~any~~ A public utility of telephone
 6 communications to it requesting service or registering a com-
 7 plaint by a customer, ~~when~~ IF a record of the ~~same~~
 8 COMMUNICATIONS is required for legitimate business purposes and
 9 the agents, servants, and employees of ~~such business firm~~ THE
 10 PUBLIC UTILITY are aware of ~~such~~ THE practice or surveillance
 11 by ~~any~~ AN employee safeguarding property owned by, or in cus-
 12 tody of, his OR HER employer on his OR HER employer's property.

13 (D) THE ROUTINE MONITORING, INCLUDING RECORDING, BY EMPLOY-
 14 EES OF THE DEPARTMENT OF CORRECTIONS OF TELEPHONE COMMUNICATIONS
 15 ON TELEPHONES AVAILABLE FOR USE BY PRISONERS IN STATE CORREC-
 16 TIONAL FACILITIES, IF THE MONITORING IS CONDUCTED IN THE MANNER
 17 PRESCRIBED BY SECTION 70 OF ACT NO. 232 OF THE PUBLIC ACTS OF
 18 1953, BEING SECTION 791.270 OF THE MICHIGAN COMPILED LAWS, AND
 19 RULES PROMULGATED UNDER THAT SECTION.

20 Section 2. This amendatory act shall not take effect unless
 21 Senate Bill No. _____ or House Bill No. 5642 (request
 22 no. 03629'89) of the 85th Legislature is enacted into law.