

Act No. 227
Public Acts of 1993
Approved by the Governor
November 4, 1993
Filed with the Secretary of State
November 5, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Mathieu, Goschka, Hoffman, Hill, Jamian, Lowe, Weeks, Horton, Rocca, Whyman, Bullard, Bodem, Gernaat, Walberg, Nye, Bobier, Munsell, Fitzgerald, Llewellyn, Jersevic, Hammerstrom, Galloway, Kukuk, McManus, Porreca, Brackenridge, Gnodtke, Dalman, Middaugh, Dolan, Vorva, Bender, McBryde, Stille, Sikkema, Shugars, Bankes, Martin and Middleton

ENROLLED HOUSE BILL No. 4223

AN ACT to amend section 539g of Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," being section 750.539g of the Michigan Compiled Laws.

The People of the State of Michigan enact:

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

Sec. 539g. Sections 539a to 539f do not prohibit any of the following:

(a) Eavesdropping or surveillance not otherwise prohibited by law by 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.

(b) Hearing a communication transmitted by common carrier facilities by an employee of a communications common carrier when acting in the course of his or her employment.

(c) The recording by a public utility of telephone communications to it requesting service or registering a complaint by a customer, if a record of the communications is required for legitimate business purposes and the agents, servants, and employees of the public utility are aware of the practice or surveillance by an employee safeguarding property owned by, or in custody of, his or her employer on his or her employer's property.

(d) The routine monitoring, including recording, by employees of the department of corrections of telephone communications on telephones available for use by prisoners in state correctional facilities, if the monitoring is conducted in the manner prescribed by section 70 of Act No. 232 of the Public Acts of 1953, being section 791.270 of the Michigan Compiled Laws, and rules promulgated under that section.

Section 2. This amendatory act shall not take effect unless House Bill No. 4222 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.