

SENATE BILL No. 531

June 12, 2001, Introduced by Senators SHUGARS, MC COTTER, HAMMERSTROM and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 539j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 539J. (1) A PERSON SHALL NOT DO EITHER OF THE
2 FOLLOWING:

3 (A) PHOTOGRAPH OR OTHERWISE RECORD A VISUAL IMAGE OF THE
4 UNDERGARMENTS WORN BY AN INDIVIDUAL UNDER CIRCUMSTANCES IN WHICH
5 THE INDIVIDUAL WOULD HAVE A REASONABLE EXPECTATION OF PRIVACY,
6 WITHOUT THE CONSENT OF THAT INDIVIDUAL OR, IF THE INDIVIDUAL IS A
7 CHILD OR AN INDIVIDUAL WHO IS LEGALLY INCAPACITATED, WITHOUT THE
8 CONSENT OF AN INDIVIDUAL HAVING LAWFUL AUTHORITY TO PROVIDE THAT
9 CONSENT.

10 (B) PHOTOGRAPH OR OTHERWISE RECORD A VISUAL IMAGE OF THE
11 GENITALIA OR BUTTOCKS OF ANY INDIVIDUAL, OR THE BREASTS OF A

1 FEMALE INDIVIDUAL, UNDER CIRCUMSTANCES IN WHICH THE INDIVIDUAL
2 WOULD HAVE A REASONABLE EXPECTATION OF PRIVACY, WITHOUT THE CON-
3 SENT OF THAT INDIVIDUAL OR, IF THE INDIVIDUAL IS A CHILD OR AN
4 INDIVIDUAL WHO IS LEGALLY INCAPACITATED, WITHOUT THE CONSENT OF
5 AN INDIVIDUAL HAVING LAWFUL AUTHORITY TO PROVIDE THAT CONSENT.

6 (2) A PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE THIS SEC-
7 TION IS GUILTY OF A CRIME AS FOLLOWS:

8 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

11 (B) A PERSON WHO VIOLATES THIS SECTION FOR COMMERCIAL GAIN,
12 OR WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION PUNISHABLE UNDER
13 SUBDIVISION (A), IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
14 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$10,000.00,
15 OR BOTH.

16 Enacting section 1. This amendatory act takes effect 90
17 days after the date it is enacted.