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BILL ANALYSIS



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Senate Bill 918 (Substitute S-3 as reported)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from doing any of the following:

- Surveilling another individual clad only in undergarments, another individual's unclad genitalia or buttocks, or a female individual's unclad breasts under circumstances in which the individual would have a reasonable expectation of privacy.
- Photographing, or otherwise capturing or recording, the visual image of the undergarments worn by another individual, another individual's unclad genitalia or buttocks, or a female individual's unclad breasts under circumstances in which the individual would have a reasonable expectation of privacy.
- Distributing, disseminating, or transmitting for access by any other person a recording, photograph, or visual image that the person knew or had reason to know was obtained in violation of the bill.

A first-time surveilling violation would be a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. A second or subsequent surveilling violation would be punishable by up to five years and/or \$5,000. A violation that involved photographing, or otherwise capturing or recording a visual image, or distributing, disseminating, or transmitting would be punishable by up to five years and/or \$5,000.

The bill would take effect on September 1, 2004. The bill is tie-barred to House Bill 5692, which would expand the prohibition against installing a device for observing, photographing, or eavesdropping without the consent of a person entitled to privacy.

"Surveil" would mean "to secretly observe the activities of another person for the purpose of spying upon and invading the privacy of the person observed".

Proposed MCL 750.539j

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Please see **FISCAL IMPACT** on House Bill 5692.

Date Completed: 5-6-04

Fiscal Analyst: Bethany Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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