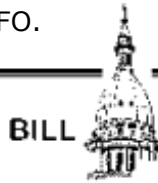




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 6177 (as reported with amendment)
Sponsor: Representative Sal Rocca
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person who was not a party to a transaction that involved the use of a financial transaction device from secretly or surreptitiously photographing, or otherwise capturing or recording, electronically or by any other means, or distributing, disseminating, or transmitting, electronically or by any other means, personal identifying information from the transaction, without the consent of the individual. A violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both.

The bill states that it would not prohibit the capture or transmission of personal identifying information in the ordinary and lawful course of business.

"Financial transaction device" would mean that term as defined elsewhere in the Code. "Personal identifying information" would mean that term as defined in the "Identity Theft Protection Act" (proposed by Senate Bill 792 and House Bill 6168), i.e., a name, number, or other information used for the purpose of identifying a specific person or providing access to a person's financial accounts.

The bill would take effect on March 1, 2005.

Proposed MCL 750.539k

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. There are no data to indicate how many people would be convicted of the proposed misdemeanor. Local units of government incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Public libraries would benefit from any additional penal fine revenue raised.

Date Completed: 11-12-04

Fiscal Analyst: Bethany Wicksall