

SUBSTITUTE FOR
HOUSE BILL NO. 5692

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 539d (MCL 750.539d).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 539d. (1) ~~Any person who installs~~ **Except as**
2 **otherwise indicated in this section, a person shall not do any of**
3 **the following:**
4 **(a) Install, place, or use** in any private place, without the
5 consent of the person or persons entitled to privacy ~~there in~~
6 **that place**, any device for observing, **recording, transmitting,**
7 photographing, or eavesdropping upon the sounds or events in
8 ~~such that~~ **that** place. ~~, or uses any such unauthorized installation,~~
9 ~~is guilty of a felony punishable by imprisonment in a state~~
10 ~~prison for not more than 2 years or by a fine of not more than~~
11 ~~\$2,000.00, or both.~~

1 (b) Surveil another person who is clad only in his or her
2 undergarments, or surveil the unclad genitalia or buttocks of any
3 individual, or the unclad breasts of a female individual, under
4 circumstances in which the person would have a reasonable
5 expectation of privacy.

6 (c) Record, transmit, or otherwise capture the visual image
7 of the undergarments worn by another person, or the unclad
8 genitalia or buttocks of any individual, or the unclad breasts of
9 a female individual under circumstances in which the person would
10 have a reasonable expectation of privacy.

11 (2) This section does not prohibit security monitoring in a
12 residence if conducted by or at the direction of the owner or
13 principal occupant of that residence unless conducted for a lewd
14 or lascivious purpose.

15 (3) A person who violates subsection (1)(a) is guilty of a
16 felony punishable by imprisonment for not more than 2 years or a
17 fine of not more than \$2,000.00, or both.

18 (4) A person who violates subsection (1)(b) or (c) is guilty
19 of a felony punishable by imprisonment for not more than 5 years
20 or a fine of not more than \$5,000.00, or both.

21 (5) As used in this section, "surveil" means the same as
22 "surveillance" as defined in section 539a(3).

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