

SENATE 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 provided in this section, a person shall not do either**
3 **of 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~~ 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.~~

House Bill No. 5692 as amended May 20, 2004

1 (b) Distribute, disseminate, or transmit for access by any
2 other person a recording, photograph, or visual image the person
3 knows or has reason to know was obtained in violation of this
4 section.

5 (2) This section does not prohibit security monitoring in a
6 residence if conducted by or at the direction of the owner or
7 principal occupant of that residence unless conducted for a lewd
8 or lascivious purpose.

9 (3) A person who violates or attempts to violate this section
10 is guilty of a crime as follows:

11 (a) For a violation or attempted violation of subsection
12 (1) (a):

13 (i) Except as provided in subparagraph (ii), the person is
14 guilty of a felony punishable by imprisonment for not more than 2
15 years or a fine of not more than \$2,000.00, or both.

16 (ii) If the person was previously convicted of violating or
17 attempting to violate this section, the person is guilty of a
18 felony punishable by imprisonment for not more than 5 years or a
19 fine of not more than \$5,000.00, or both.

20 (b) For a violation or attempted violation of subsection
21 (1) (b), the person is guilty of a felony punishable by
22 imprisonment for not more than 5 years or a fine of not more than
23 \$5,000.00, or both.

<<(4) This section does not prohibit a person from being charged
with, convicted of, or punished for any other violation of law committed
by that person while violating or attempting to violate subsection (1) (a)
or (b).>>

24 Enacting section 1. This amendatory act takes effect
25 September 1, 2004.

26 Enacting section 2. This amendatory act does not take
27 effect unless Senate Bill No. 918 of the 92nd Legislature is

1 enacted into law.