

HOUSE BILL No. 5692

March 23, 2004, Introduced by Reps. Amos and Caul and referred to the Committee on Criminal Justice.

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 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.~~

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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 of 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 apply to the following activities
12 unless conducted for a lewd or lascivious purpose:

13 (a) Security monitoring in a residence if conducted by or at
14 the direction of an occupant of that residence.

15 (b) Security monitoring in a place of business, school, or
16 other structure if conducted by or at the direction of the owner
17 or administrator of that place of business, school, or other
18 structure.

19 (c) Security monitoring in a motor vehicle used for public
20 transit if conducted by or at the direction of the public transit
21 authority.

22 (d) Security monitoring and observation associated with a
23 correctional facility or jail if conducted by or at the direction
24 of the manager of that correctional facility or jail, regardless
25 of the location of the monitoring equipment.

26 (3) A person who violates subsection (1)(a) is guilty of a
27 felony punishable by imprisonment for not more than 2 years or a

1 fine of not more than \$2,000.00, or both.

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

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