

# SENATE BILL No. 918

January 15, 2004, Introduced by Senators SANBORN and STAMAS and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 539j.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 539j. (1) A person shall not do either of the  
2 following:

3       (a) Photograph or otherwise record a visual image of the  
4 undergarments worn by an individual under circumstances in which  
5 the individual would have a reasonable expectation of privacy,  
6 without the consent of that individual or, if the individual is a  
7 child or an individual who is legally incapacitated, without the  
8 consent of an individual having lawful authority to provide that  
9 consent.

10       (b) Photograph or otherwise record a visual image of the  
11 genitalia or buttocks of any individual, or the breasts of a

1 female individual, under circumstances in which the individual  
2 would have a reasonable expectation of privacy, without the  
3 consent of that individual or, if the individual is a child or an  
4 individual who is legally incapacitated, without the consent of  
5 an individual having lawful authority to provide that consent.

6 (2) A person who violates or attempts to violate this  
7 section is guilty of a crime as follows:

8 (a) Except as provided in subdivision (b), the person is  
9 guilty of a misdemeanor punishable by imprisonment for not more  
10 than 90 days or a fine of not more than \$100.00, or both.

11 (b) A person who violates this section for commercial gain,  
12 or who commits a second or subsequent violation punishable under  
13 subdivision (a), is guilty of a felony punishable by imprisonment  
14 for not more than 4 years or a fine of not more than \$2,000.00,  
15 or both.

16 Enacting section 1. This amendatory act takes effect 90  
17 days after the date it is enacted.