

SENATE BILL No. 781

September 18, 2007, Introduced by Senator SWITALSKI 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 539/.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 539/. (1) THIS STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS
2 STATE SHALL NOT ELECTRONICALLY SURVEIL THE CONDUCT OR CONVERSATION
3 OF ANY PERSON FOR THE PURPOSE OF CONDUCTING AN INVESTIGATION EXCEPT
4 PURSUANT TO A LAWFULLY ISSUED SEARCH WARRANT OR, IF PROVIDED BY
5 LAW, AN ORDER ISSUED BY THE COURT.

6 (2) A PERSON SHALL NOT, ON BEHALF OF ANY ENTITY OF THIS STATE
7 OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE, ELECTRONICALLY SURVEIL
8 THE CONDUCT OR CONVERSATION OF ANY PERSON FOR THE PURPOSE OF
9 CONDUCTING AN INVESTIGATION EXCEPT PURSUANT TO A LAWFULLY ISSUED
10 SEARCH WARRANT OR, IF PROVIDED BY LAW, AN ORDER ISSUED BY THE

1 COURT.

2 (3) A PERSON WHO ELECTRONICALLY SURVEILS THE CONDUCT OR
3 CONVERSATION OF ANOTHER PERSON IN VIOLATION OF THIS SECTION KNOWING
4 OR HAVING REASON TO KNOW THAT A WARRANT OR OTHER ORDER HAS NOT BEEN
5 ISSUED TO CONDUCT THAT SURVEILLANCE IS GUILTY OF A FELONY
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
7 NOT MORE THAN \$2,000.00, OR BOTH.

8 (4) AS USED IN THIS SECTION:

9 (A) "ELECTRONICALLY SURVEIL" MEANS TO INTERCEPT, TRACK, OR
10 RECORD A PERSON'S CONDUCT OR CONVERSATION WITHOUT THE CONSENT OF
11 THAT PERSON.

12 (B) "INVESTIGATION" MEANS A PATTERN OF INQUIRY OR OBSERVATION
13 CONDUCTED FOR THE PRIMARY PURPOSE OF OBTAINING INFORMATION ABOUT OR
14 FROM A SPECIFIED PERSON.