



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 325 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Raymond E. Basham
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from installing or placing a tracking device, or causing a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the vehicle's owner or lessee; or tracking the location of a motor vehicle with a tracking device without the knowledge and consent of the owner or lessee, or the authorized operator, of that vehicle. A violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both.

The prohibitions would not apply to any of the following:

- The use of any device that provided vehicle tracking only for purposes of providing mechanical, operational directional, navigation, weather, or traffic information to the vehicle's operator.
- The use of any device for providing emergency assistance to the vehicle's operator or passengers under the terms and conditions of a subscription service, including any trial period of that service.
- The use of any device only to provide missing vehicle assistance for the benefit of the vehicle's owner.
- The use of any device only to provide diagnostic services regarding the mechanical operation of a vehicle under the terms of a subscription service, including any trial period.
- The use of any device or service that provided the occupants of the vehicle with clear notice that the vehicle could be tracked.
- A police officer, while performing his or her duties as a police officer.
- A person lawfully performing his or her duties as a bail agent or an employee or contractor of that bail agent.

The prohibitions also would not apply to a person licensed under the Professional Investigator Licensure Act, or an employee of a licensee, while performing his or her duties as a professional investigator or employee of an investigator. This exemption would not be available if the investigator or employee were working on behalf of a person who was the subject of a court order for the protection of another person, and knew of the existence of the order or failed to use due diligence to determine whether the order existed, and the investigator's or employee's services were to provide information to the person who was the subject of the protection order about the location of any other person named in the order.

Proposed MCL 750.539I

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of unlawfully installing or using a motor vehicle tracking device. Local governments would incur the costs of misdemeanor probation

and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 1-26-10

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.