

Act No. 213  
Public Acts of 2013  
Approved by the Governor  
December 21, 2013  
Filed with the Secretary of State  
December 26, 2013  
EFFECTIVE DATE: April 1, 2014

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

**Introduced by Reps. Cotter, Heise, Singh, VerHeulen, Yanez, Faris, Pscholka, Daley, McBroom, Clemente,  
Hooker, Nesbitt, Townsend, Yonker, Lyons and Oakes**

# **ENROLLED HOUSE BILL No. 5051**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 539k (MCL 750.539k), as added by 2004 PA 460.

*The People of the State of Michigan enact:*

Sec. 539k. (1) A person who is not a party to a transaction that involves the use of a financial transaction device shall not secretly or surreptitiously photograph, or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means, personal identifying information from the transaction without the consent of the individual.

(2) This section does not prohibit the capture or transmission of personal identifying information in the ordinary and lawful course of business.

(3) This section does not apply to a peace officer of this state, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties.

(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 this section.

(5) A person who violates this section is guilty of a felony punishable by imprisonment as follows:

(a) Except as otherwise provided in subdivisions (b) and (c), by imprisonment for not more than 5 years or a fine of not more than \$25,000.00, or both.

(b) If the violation is a second violation of subsection (1), by imprisonment for not more than 10 years or a fine of not more than \$50,000.00, or both.

(c) If the violation is a third or subsequent violation of subsection (1), by imprisonment for not more than 15 years or a fine of not more than \$75,000.00, or both.

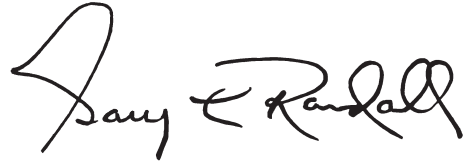
(6) As used in this section:

(a) "Financial transaction device" means that term as defined in section 157m.

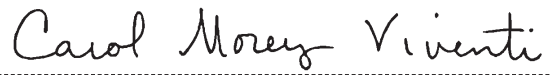
(b) "Personal identifying information" means that term as defined in section 3 of the identity theft protection act, 2004 PA 452, MCL 445.63.

Enacting section 1. This amendatory act takes effect April 1, 2014.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor