

**SUBSTITUTE FOR
HOUSE BILL NO. 4891**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 539g (MCL 750.539g), as amended by 1993 PA 227.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 539g. Sections 539a to 539f do not prohibit any of the
2 following:

3 (a) Eavesdropping or surveillance not otherwise prohibited by
4 law by a peace officer of this state or of the federal government,
5 or the officer's agent, while in the performance of the officer's
6 duties.

7 (b) Hearing a communication transmitted by common carrier
8 facilities by an employee of a communications common carrier when
9 acting in the course of his or her employment.

(c) The recording by a public utility of telephone communications to it requesting service or registering a complaint by a customer, if a record of the communications is required for legitimate business purposes and the agents, servants, and employees of the public utility are aware of the practice or surveillance by an employee safeguarding property owned by, or in custody of, his or her employer on his or her employer's property.

(d) The routine monitoring, including recording, by employees of the department of corrections of telephone communications on telephones available for use by prisoners in state correctional facilities, if the monitoring is conducted in the manner prescribed by section 70 of ~~Act No. 232 of the Public Acts of 1953, being section 791.270 of the Michigan Compiled Laws,~~ **THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.270,** and rules promulgated under that section.

(E) EAVESDROPPING NOT OTHERWISE PROHIBITED BY LAW BY THE CUSTODIAL PARENT, FOSTER PARENT, OR GUARDIAN OF A MINOR CHILD ON THAT MINOR CHILD DURING A PRIVATE CONVERSATION TO WHICH THE MINOR CHILD IS A PARTICIPANT. HOWEVER, EAVESDROPPING PERMITTED BY THIS SUBDIVISION DOES NOT EXTEND TO A PRIVATE CONVERSATION WITH ANY OF THE FOLLOWING:

- (i) THE MINOR CHILD'S ATTORNEY OR GUARDIAN AD LITEM.**
- (ii) A CHILD CUSTODY INVESTIGATOR OR PEACE OFFICER.**
- (iii) THE OTHER CUSTODIAL PARENT, UNLESS THERE IS A GOOD-FAITH, OBJECTIVELY REASONABLE BASIS FOR BELIEVING THAT EAVESDROPPING IS NECESSARY TO PROTECT THE WELL-BEING OR SAFETY OF THE MINOR CHILD.**