750.539k Personal identifying information; prohibited conduct; exception; violation as felony; penalty; definitions.

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.

History: Add. 2004, Act 460, Eff. Mar. 1, 2005;—Am. 2013, Act 213, Eff. Apr. 1, 2014.