

SENATE BILL NO. 688

December 10, 2019, Introduced by Senators RUNESTAD, BARRETT, MACDONALD, VICTORY, BUMSTEAD, BIZON, IRWIN and WOJNO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 539a, 539b, and 539c (MCL 750.539a, 750.539b,
and 750.539c).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 539a. As used in sections 539a to 539i:
2 (1) "Private place" means a place where one may reasonably
3 expect to be safe from casual or hostile intrusion or surveillance

1 but does not include a place to which the public or substantial
2 group of the public has access.

3 (2) "Eavesdrop" or "eavesdropping" means to overhear, record,
4 **remotely access**, amplify, or transmit any part of the private
5 discourse of others without the permission of all persons engaged
6 in the discourse. Neither this definition ~~or nor~~ any other
7 provision of this act ~~shall modify~~ **modifies** or ~~affect~~ **affects** any
8 law or regulation concerning interception, divulgence or recording
9 of messages transmitted by communications common carriers.

10 (3) "Surveillance" means to secretly observe the activities of
11 another person for the purpose of spying upon and invading the
12 privacy of the person observed, **whether by physical or**
13 **technological means, in a present or future time, whether or not**
14 **the individual is aware of the presence of a device or the**
15 **capabilities of that device to record, store a recording, or be**
16 **remotely accessed.**

17 (4) "Person" means any individual, partnership, corporation,
18 or association.

19 Sec. 539b. A person who trespasses on property, **either**
20 **physically or remotely through the use of technology, that is** owned
21 or under the control of ~~any other~~ **another** person, to subject that
22 person to eavesdropping or surveillance is guilty of a misdemeanor.

23 Sec. 539c. ~~Any~~ **A** person who is present or who is not present
24 during a private conversation and who ~~wilfully~~ **willfully** uses any
25 device, **including by accessing a device through technological**
26 **means**, to eavesdrop upon the conversation without the consent of
27 all parties thereto, or who knowingly aids, employs, or procures
28 another person to do the same in violation of this section, is
29 guilty of a felony punishable by imprisonment ~~in a state prison for~~

- 1 not more than 2 years or by a fine of not more than \$2,000.00, or
- 2 both.