

MOTOR VEHICLE TRACKING DEVICE

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Senate Bill 1572 as passed by the Senate

Sponsor: Sen. Raymond E. Basham

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-17-08

A SUMMARY OF SENATE BILL 1572 AS REPORTED BY THE HOUSE JUDICIARY COMMITTEE ON 12-10-08

The bill would add a new section to the Michigan Penal Code to prohibit a person from doing either of the following:

- 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, if the vehicle was leased, the lessee of the motor vehicle.
- Tracking the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the operator of that vehicle or, if the vehicle was leased, either the 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 prohibition would not apply to any of the following:

** The use of any device that provided vehicle tracking only for purposes of providing mechanical, directional, weather, or traffic information to the vehicle's operator or providing emergency assistance to the vehicle's operator or passengers through a subscription service, including any trial period of that service.

** Under the terms and conditions of a subscription service, including any trial period of the subscription service, the use of any device only for providing stolen vehicle assistance for the benefit of the owner of the vehicle or to provide diagnostic services regarding the mechanical operation of a vehicle.

**A police officer, while performing his or her duties as a police officer.

** A person licensed under the Professional Investigator Licensure Act, while performing his or her duties as a professional investigator, or a person lawfully performing his or her duties as a bail agent.

"Tracking device" would mean any electronic device that is designed or intended to be used to track the location of a motor vehicle on a Michigan street or highway, regardless of whether that information is recorded.

MCL 750.5391

FISCAL IMPACT:

The bill's fiscal impact would depend on how it affected misdemeanor convictions and sanctions; there are no data to indicate how many offenders might be convicted under the bill. To the extent that the bill increased the number of misdemeanor convictions, it could increase local costs of jail incarceration or misdemeanor probation supervision, both of which vary with jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

POSITIONS:

The Department of State Police indicated support for the bill. (12-10-08)

The Prosecuting Attorneys Association of Michigan (PAAM) supports the bill. (12-10-08)

The Michigan Council of Private Investigators indicated support for the bill. (12-10-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.