



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1572 (as introduced 11-5-08)
Sponsor: Senator Raymond E. Basham
Committee: Judiciary

Date Completed: 11-5-08

CONTENT

The bill would amend the Michigan Penal Code to prohibit and prescribe a criminal penalty for installing or placing a tracking device on a motor vehicle without the owner's knowledge and consent, and for tracking the movements of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the driver. The bill also would make exceptions to these prohibitions.

Under the bill, a person could not do either of the following:

- Install or place a tracking device, or cause a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the vehicle's owner.
- Track the movements of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the 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 prohibitions 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.
- 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.

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

Proposed MCL 750.539I

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of unlawfully installing or using a motor vehicle tracking device. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.