

SENATE BILL No. 1572

November 5, 2008, Introduced by Senators BASHAM, WHITMER, PRUSI, CLARK-COLEMAN, THOMAS, KUIPERS, STAMAS, GARCIA, JELINEK, JANSEN, BIRKHOLZ, HARDIMAN, BRATER, SCOTT, GILBERT, SCHAUER and ANDERSON and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 539/.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 539/. (1) A PERSON WHO DOES EITHER OF THE FOLLOWING IS
2 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH:

4 (A) INSTALLS OR PLACES A TRACKING DEVICE, OR CAUSES A TRACKING
5 DEVICE TO BE INSTALLED OR PLACED, IN OR ON A MOTOR VEHICLE WITHOUT
6 THE KNOWLEDGE AND CONSENT OF THE OWNER OF THAT MOTOR VEHICLE.

7 (B) TRACKS THE MOVEMENTS OF A MOTOR VEHICLE WITH A TRACKING
8 DEVICE WITHOUT THE KNOWLEDGE AND CONSENT OF EITHER THE OWNER OR THE
9 OPERATOR OF THAT VEHICLE.

1 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

2 (A) THE USE OF ANY DEVICE THAT PROVIDES VEHICLE TRACKING ONLY
3 FOR PURPOSES OF PROVIDING MECHANICAL, DIRECTIONAL, WEATHER, OR
4 TRAFFIC INFORMATION TO THE OPERATOR OF THE VEHICLE OR FOR PROVIDING
5 EMERGENCY ASSISTANCE TO THE OPERATOR OR PASSENGERS OF THE VEHICLE
6 THROUGH A SUBSCRIPTION SERVICE, INCLUDING ANY TRIAL PERIOD OF THAT
7 SUBSCRIPTION SERVICE.

8 (B) A POLICE OFFICER WHILE PERFORMING HIS OR HER DUTIES AS A
9 POLICE OFFICER.

10 (C) A PERSON LICENSED UNDER THE PROFESSIONAL INVESTIGATOR
11 LICENSURE ACT, 1965 PA 285, MCL 338.821 TO 338.851, WHILE
12 PERFORMING HIS OR HER DUTIES AS A PROFESSIONAL INVESTIGATOR.

13 (3) AS USED IN THIS SECTION, "TRACKING DEVICE" MEANS ANY
14 ELECTRONIC DEVICE THAT IS DESIGNED OR INTENDED TO BE USED TO TRACK
15 THE MOVEMENTS OF A MOTOR VEHICLE ON A STREET OR HIGHWAY OF THIS
16 STATE REGARDLESS OF WHETHER THAT INFORMATION IS RECORDED.