



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 463 (as reported without amendment)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Chapter 82 (Telegraph and Telephone) of the Michigan Penal Code to allow eavesdropping not otherwise prohibited by law by a custodial parent, foster parent, or guardian of a minor child on that minor child during a private conversation to which the minor child was a participant, subject to certain restrictions.

Specifically, under the bill, Sections 539a to 539f would not prohibit eavesdropping not otherwise prohibited by law by a custodial parent, foster parent, or guardian of a minor child on that minor child during a private conversation to which the minor child was a participant. However, eavesdropping permitted by this provision would not extend to a private conversation with any of the following:

- The minor child's attorney or guardian ad litem.
- A child custody investigator or peace officer.
- The other custodial parent, unless there was a good-faith, objectively reasonable basis for believing that eavesdropping was necessary to protect the well-being or safety of the minor child.

(Sections 539a to 539f prohibit a person from engaging in certain conduct with respect to eavesdropping, including trespassing for the purpose of eavesdropping, divulging information acquired through eavesdropping, and possession of a device used for eavesdropping.)

MCL 750.539g

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-9-20

Fiscal Analyst: Joe Carrasco