

# SENATE BILL NO. 463

August 28, 2019, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 539g (MCL 750.539g), as amended by 1993 PA 227.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 539g. Sections 539a to 539f do not prohibit any of the  
2 following:

3           (a) Eavesdropping or surveillance not otherwise prohibited by  
4 law by a peace officer of this state or of the federal government,  
5 or the officer's agent, while in the performance of the officer's  
6 duties.

1 (b) Hearing a communication transmitted by common carrier  
2 facilities by an employee of a communications common carrier when  
3 acting in the course of his or her employment.

4 (c) The recording by a public utility of telephone  
5 communications to it requesting service or registering a complaint  
6 by a customer, if a record of the communications is required for  
7 legitimate business purposes and the agents, servants, and  
8 employees of the public utility are aware of the practice or  
9 surveillance by an employee safeguarding property owned by, or in  
10 custody of, his or her employer on his or her employer's property.

11 (d) The routine monitoring, including recording, by employees  
12 of the department of corrections of telephone communications on  
13 telephones available for use by prisoners in state correctional  
14 facilities, if the monitoring is conducted in the manner prescribed  
15 by section 70 of ~~Act No. 232 of the Public Acts of 1953, being~~  
16 ~~section 791.270 of the Michigan Compiled Laws,~~ **the corrections code**  
17 **of 1953, 1953 PA 232, MCL 791.270,** and rules promulgated under that  
18 section.

19 (e) **Eavesdropping not otherwise prohibited by law by the**  
20 **custodial parent, foster parent, or guardian of a minor child on**  
21 **that minor child during a private conversation to which the minor**  
22 **child is a participant. However, eavesdropping permitted by this**  
23 **subdivision does not extend to a private conversation with any of**  
24 **the following:**

25 (i) **The minor child's attorney or guardian ad litem.**

26 (ii) **A child custody investigator or peace officer.**

27 (iii) **The other custodial parent, unless there is a good-faith,**  
28 **objectively reasonable basis for believing that eavesdropping is**  
29 **necessary to protect the well-being or safety of the minor child.**