



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4724 (Substitute H-4 as passed by the House)  
Sponsor: Representative Graham Filler  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 5-25-22

**CONTENT**

**The bill would amend the Michigan Penal Code to exempt a recording made by a home security monitoring device from a provision prohibiting the use of a device to eavesdrop on a private conversation.**

Section 539c of the Code specifies that a person who is present or who is not present during a private conversation who willfully uses any device to eavesdrop upon the conversation without the consent of all parties to the conversation, or who knowingly aids, employs or procures another person to violate Section 539c, is guilty of a felony punishable by up to two years' imprisonment or a maximum fine of \$2,000, or both. ("Eavesdrop" or "eavesdropping" means to overhear, record, amplify or transmit any part of the private discourse of others without the permission of all persons engaged in the discourse. Neither this definition or any other provision of the Code modifies or affects any law or regulation concerning interception, divulgence or recording of messages transmitted by communications common carriers.)

Under the bill, Section 539c would not apply to the use of any device for purposes of security monitoring of a residence or other structures on residential property if conducted in conformity with Section 539d. Unless the recording captured evidence of criminal activity, it could not be used or published without the consent of the individual or individuals being recorded.

(Section 539d generally prohibits the installation, placement, or use of a device for observing, recording, transmitting, photographing, or eavesdropping in a private place and the distributing, dissemination, or transmission of a recording, photograph, or visual image obtained in violation of Section 539d. Section 539d does not prohibit security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose.)

MCL 750.539c

Legislative Analyst: Stephen P. Jackson

**FISCAL IMPACT**

The bill likely would have no fiscal impact on State or local government. Assuming anyone is currently prosecuted for violation of the Act for using security monitoring devices at his or her residence, the State would see cost savings associated with housing those offenders. The possible annual savings would average an estimated \$43,000 per offender, which includes fixed administrative and operational costs (which are funded with General Fund/General Purpose revenue).

Fiscal Analyst: Joe Carrasco, Jr.

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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.