

# HOUSE BILL No. 6177

September 9, 2004, Introduced by Rep. Rocca and referred to the Committee on Criminal Justice.

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

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

1       Sec. 539k. (1) A person who is not a party to a transaction  
2 that involves the use of a financial transaction device shall not  
3 secretly or surreptitiously photograph, digitally capture or  
4 record, or electronically transmit personal identifying  
5 information from the transaction without the consent of the  
6 individual.

7       (2) This section does not prohibit the capture or  
8 transmission of personal identifying information in the ordinary  
9 and lawful course of business.

10       (3) A person who violates this section is guilty of a  
11 misdemeanor punishable by imprisonment for not more than 1 year

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1 or a fine of not more than \$1,000.00, or both.

2 (4) As used in this section:

3 (a) "Financial transaction device" means that term as  
4 defined in section 157m.

5 (b) "Personal identifying information" means that term as  
6 defined in section 3 of the identity theft protection act, MCL  
7 445.63.

8 Enacting section 1. This amendatory act takes effect March  
9 1, 2005.