

## E-Mail Reply from Michigan Attorney General – Violation of Privacy

The AG carefully avoided ruling regarding the fact that the surveillance devices (aka “smart meters”) are illegal if installed without the informed consent of the property owner.

Every surveillance device installation is a violation of Michigan Penal Code, Act 328 of 1931, MCL 750.539d which makes it a felony to install a device for the purpose of observing, recording, transmitting, photographing or eavesdropping in a “Private Place”.

The MCL 750.539d specifically states (in part):

(1) A person shall not do either of the following:

(a) Install, place, or use in any private place, without the consent of the person or persons entitled to privacy in that place, any device for observing, recording, transmitting, photographing, or eavesdropping upon the sounds or events in that place.

(b) Distribute, disseminate, or transmit for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of this section.

(3) A person who violates or attempts to violate this section is guilty of a crime as follows:

For a violation or attempted violation: the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both. If the person was previously convicted of violating or attempting to violate this section (and/or subsection (1)(b)), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

We will continue to pursue this avenue of restraint upon the unlawful actions of DTE.

Jim Kress