

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.508.amended THIS AMENDED SECTION IS EFFECTIVE MAY 31, 2006 *****

750.508.amended Equipping vehicle with radio able to receive signals on frequencies assigned for police or certain other purposes; violation; penalties; radar detectors not applicable.

Sec. 508. (1) A person who has been convicted of 1 or more felonies during the preceding 5 years shall not carry or have in his or her possession a radio receiving set that will receive signals sent on a frequency assigned by the federal communications commission of the United States for police or other law enforcement, fire fighting, emergency medical, federal, state, or local corrections, or homeland security purposes. This subsection does not apply to a person who is licensed as an amateur radio operator by the federal communications commission. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) A person shall not carry or have in his or her possession in the commission or attempted commission of a crime a radio receiving set that will receive signals sent on a frequency assigned by the federal communications commission of the United States for police or other law enforcement, fire fighting, emergency medical, federal, state, or local corrections, or homeland security purposes. A person who violates this subsection is guilty of a crime as follows:

(a) If this subsection is violated in the commission or attempted commission of a misdemeanor punishable by a maximum term of imprisonment of at least 93 days but less than 1 year, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) If this subsection is violated in the commission or attempted commission of a misdemeanor or felony punishable by a maximum term of imprisonment of 1 year or more, 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.

(3) Subsection (2) does not apply to a person who carries or has in his or her possession a radio receiving set described in subsection (2) in the commission or attempted commission of a misdemeanor punishable by a maximum term of imprisonment of less than 93 days.

(4) This section does not apply to the use of radar detectors.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 295, Eff. Sept. 29, 1939;—CL 1948, 750.508;—Am. 1957, Act 242, Eff. Sept. 27, 1957;—Am. 1990, Act 77, Imd. Eff. May 24, 1990;—Am. 2002, Act 672, Eff. Mar. 31, 2003;—Am. 2006, Act 39, Eff. May 31, 2006.

Constitutionality: This section, which prohibits equipping or using a vehicle with a radio receiving set capable of receiving frequencies assigned for police purposes, was enacted to facilitate law enforcement activity. This section's restriction of persons permitted to monitor those frequencies involves classifications which are rationally related to the statute's objective, consistent with equal protection and due process guarantees. *People v. Gilbert*, 414 Mich. 191, 324 N.W.2d 834 (1982).

Former law: See section 5 of Act 152 of 1929, being CL 1929, § 578.