HOUSE BILL No. 5946

November 12, 2014, Introduced by Rep. McMillin and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

(MCL 760.1 to 777.69) by adding section 25c to chapter IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

SEC. 25C. (1) EXCEPT IN EXIGENT CIRCUMSTANCES, A LAW 2 3 ENFORCEMENT OFFICER SHALL NOT SEARCH A RESIDENCE WITHOUT A VALID SEARCH WARRANT IF A RESIDENT EXPRESSLY OBJECTS TO THE ENTRY OR 4 SEARCH. THIS SECTION APPLIES EVEN IF ANOTHER RESIDENT CONSENTS TO 5 THE ENTRY OR SEARCH AFTER THE OBJECTING RESIDENT IS NO LONGER 6 PHYSICALLY PRESENT AT THE RESIDENCE. AS USED IN THIS SUBSECTION, 7 "EXIGENT CIRCUMSTANCES" INCLUDES, BUT IS NOT LIMITED TO, A 8 9 CIRCUMSTANCE IN WHICH A RESIDENT WHO CONSENTS TO AN ENTRY OR SEARCH UNDER THIS SUBSECTION IS THE VICTIM OF AN ALLEGED CRIMINAL ACT 10

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COMMITTED BY A RESIDENT WHO OBJECTS TO THE SEARCH IN WHICH EVIDENCE
 IS OBTAINED.

3 (2) EVIDENCE OBTAINED IN THE SEARCH OF A RESIDENCE IN
4 VIOLATION OF SUBSECTION (1) IS INADMISSIBLE IN ANY CRIMINAL ACTION
5 AGAINST A PERSON WHO OBJECTED TO THE ENTRY OR SEARCH BY WHICH THE
6 EVIDENCE WAS IMPROPERLY OBTAINED.