## SUBSTITUTE FOR SENATE BILL NO. 114

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

2 Sec. 25c. (1) Except in exigent circumstances or as provided 3 in subsection (3) or (4), a law enforcement officer shall not enter or search a residence without a valid search warrant if a resident 4 expressly objects to the entry or search. This subsection applies 5 6 even if another resident consents to the entry or search after the

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objecting resident is no longer physically present at the

8 residence.

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(2) Evidence knowingly obtained in violation of subsection (1)



- 1 is inadmissible in any criminal action against a person who
- 2 objected to the entry or search by which the evidence was
- 3 improperly obtained. However, that evidence may be used to revoke
- 4 parole or probation or impeach a defendant's testimony as otherwise
- 5 provided by law.
- 6 (3) Subsection (1) does not apply to a circumstance in which
- 7 an individual who consents to an entry or search is the victim of
- 8 an alleged criminal act committed by a resident who objects to the
- 9 search for which a law enforcement officer's purpose in entering
- 10 the residence is to obtain evidence of the alleged criminal act.
- 11 (4) The objection of a minor resident must not prevent a
- 12 warrantless entry or search under this section if the minor's
- 13 parent or guardian, who is also a resident, consents to the entry
- 14 or search. As used in this subsection, "minor" means an individual
- 15 who is less than 18 years of age.
- 16 (5) Except as provided in subsection (3), this section only
- 17 applies to an individual who is a resident at the residence to
- 18 which entry is sought. As used in this subsection, "resident" means
- 19 an individual who uses the residence to which entry is sought as
- 20 his or her primary residence at which he or she habitually sleeps
- 21 and keeps his or her personal effects and which is his or her
- 22 regular place of lodging.
- 23 Enacting section 1. This amendatory act takes effect 90 days
- 24 after the date it is enacted into law.

