

SUBSTITUTE FOR
HOUSE BILL NO. 4321

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 25c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IV

2

SEC. 25C. (1) EXCEPT IN EXIGENT CIRCUMSTANCES OR AS PROVIDED

3

IN SUBSECTION (3), A LAW ENFORCEMENT OFFICER SHALL NOT ENTER OR

4

SEARCH A RESIDENCE WITHOUT A VALID SEARCH WARRANT IF A RESIDENT

5

EXPRESSLY OBJECTS TO THE ENTRY OR SEARCH. THIS SUBSECTION APPLIES

6

EVEN IF ANOTHER RESIDENT CONSENTS TO THE ENTRY OR SEARCH AFTER THE

7

OBJECTING RESIDENT IS NO LONGER PHYSICALLY PRESENT AT THE

8

RESIDENCE.

9

(2) EVIDENCE KNOWINGLY OBTAINED IN VIOLATION OF SUBSECTION (1)

10

IS INADMISSIBLE IN ANY CRIMINAL ACTION AGAINST A PERSON WHO

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1 OBJECTED TO THE ENTRY OR SEARCH BY WHICH THE EVIDENCE WAS

2 IMPROPERLY OBTAINED. HOWEVER, THAT EVIDENCE MAY BE USED TO REVOKE

3 PAROLE OR PROBATION OR IMPEACH A [DEFENDANT'S TESTIMONY] AS OTHERWISE
4 PROVIDED BY

LAW.

5 (3) SUBSECTION (1) DOES NOT APPLY TO A CIRCUMSTANCE IN WHICH A

6 RESIDENT WHO CONSENTS TO AN ENTRY OR SEARCH IS THE VICTIM OF AN

7 ALLEGED CRIMINAL ACT COMMITTED BY A RESIDENT WHO OBJECTS TO THE

8 SEARCH [FOR WHICH A LAW ENFORCEMENT OFFICER'S PURPOSE IN ENTERING THE
9 RESIDENCE IS TO OBTAIN EVIDENCE OF THE ALLEGED CRIMINAL ACT.]

Enacting section 1. This amendatory act takes effect 90 days

10 after the date it is enacted into law.