

HOUSE BILL No. 4959

June 14, 2001, Introduced by Rep. Sanborn 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 7 to chapter III.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER III

SEC. 7. (1) A LAW ENFORCEMENT OFFICIAL SHALL NOT QUESTION
AN INDIVIDUAL WHO IS IN CUSTODY REGARDING HIS OR HER ALLEGED
INVOLVEMENT IN THE COMMISSION OF A FELONY UNLESS THE QUESTIONING
SESSION IS RECORDED BOTH VISUALLY AND AUDIBLY IN ITS ENTIRETY.

(2) AS USED IN THIS SECTION:

(A) "FELONY" MEANS A CRIME THAT IS PUNISHABLE BY IMPRISON-
MENT FOR MORE THAN 1 YEAR OR THAT IS DESIGNATED BY LAW TO BE A
FELONY AND INCLUDES THOSE VIOLATIONS IF COMMITTED BY A JUVENILE.

(B) "LAW ENFORCEMENT OFFICIAL" MEANS ANY OF THE FOLLOWING:

1 (i) A PEACE OFFICER.

2 (ii) THE ATTORNEY GENERAL OR HIS OR HER ASSISTANT, A COUNTY
3 PROSECUTING ATTORNEY OR HIS OR HER ASSISTANT, OR AN ATTORNEY REP-
4 RESENTING A POLITICAL SUBDIVISION OF THIS STATE OR HIS OR HER
5 ASSISTANT.

6 (iii) A PERSON ACTING UPON THE DIRECTION OF AN INDIVIDUAL
7 DESCRIBED IN SUBPARAGRAPH (i) OR (ii).

8 (C) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

9 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-
10 SION OF THIS STATE.

11 (ii) A COUNTY SHERIFF OR HIS OR HER DEPUTY.

12 (iii) A PUBLIC SAFETY OFFICER OF A COLLEGE OR UNIVERSITY.

13 (iv) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
14 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

15 (3) A STATEMENT OBTAINED IN VIOLATION OF THIS SECTION OR
16 EVIDENCE OBTAINED AS A RESULT OF THAT STATEMENT SHALL NOT BE
17 EXCLUDED AS EVIDENCE IN A CRIMINAL PROCEEDING SOLELY BECAUSE IT
18 WAS OBTAINED IN VIOLATION OF THIS SECTION.