

# Legislative Analysis

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## SEARCH AND SEIZURE OF RESIDENCE

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4321 as introduced**  
**Sponsor: Rep. Peter J. Lucido**  
**Committee: Criminal Justice**  
**Complete to 5-4-15**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4321 would add a new section to the Code of Criminal Procedure to specify that, except in exigent circumstances, a law enforcement officer could not search a residence without a valid search warrant if a resident expressly objects to the entry or search. This provision would apply even if another resident consents to the entry or search after the objecting resident is no longer physically present at the residence.

Evidence obtained in the search of a residence in violation of the bill would be inadmissible in any criminal action against a person who objected to the entry or search by which the evidence was improperly obtained.

"Exigent circumstances" would include, but not be limited to, a circumstance in which a resident who consents to an entry or search under the bill's provisions is the victim of an alleged criminal act committed by a resident who objects to the search in which evidence is obtained.

MCL 760.25c, proposed

### FISCAL IMPACT:

The bill would not have a significant fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.