

HOUSE BILL No. 4321

March 11, 2015, Introduced by Rep. Lucido 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
ENFORCEMENT OFFICER SHALL NOT SEARCH A RESIDENCE WITHOUT A VALID
SEARCH WARRANT IF A RESIDENT EXPRESSLY OBJECTS TO THE ENTRY OR
SEARCH. THIS SECTION APPLIES EVEN IF ANOTHER RESIDENT CONSENTS TO
THE ENTRY OR SEARCH AFTER THE OBJECTING RESIDENT IS NO LONGER
PHYSICALLY PRESENT AT THE RESIDENCE. AS USED IN THIS SUBSECTION,
"EXIGENT CIRCUMSTANCES" INCLUDES, BUT IS NOT LIMITED TO, A
CIRCUMSTANCE IN WHICH A RESIDENT WHO CONSENTS TO AN ENTRY OR SEARCH
UNDER THIS SUBSECTION IS THE VICTIM OF AN ALLEGED CRIMINAL ACT

1 COMMITTED BY A RESIDENT WHO OBJECTS TO THE SEARCH IN WHICH EVIDENCE
2 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.