

# HOUSE BILL No. 4485

April 19, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and 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 OR AS PROVIDED  
IN SUBSECTION (3), A LAW ENFORCEMENT OFFICER SHALL NOT ENTER OR  
SEARCH A RESIDENCE WITHOUT A VALID SEARCH WARRANT IF A RESIDENT  
EXPRESSLY OBJECTS TO THE ENTRY OR SEARCH. THIS SUBSECTION APPLIES  
EVEN IF ANOTHER RESIDENT CONSENTS TO THE ENTRY OR SEARCH AFTER THE  
OBJECTING RESIDENT IS NO LONGER PHYSICALLY PRESENT AT THE  
RESIDENCE.

(2) EVIDENCE KNOWINGLY OBTAINED IN VIOLATION OF SUBSECTION (1)  
IS INADMISSIBLE IN ANY CRIMINAL ACTION AGAINST A PERSON WHO  
OBJECTED TO THE ENTRY OR SEARCH BY WHICH THE EVIDENCE WAS

1 IMPROPERLY OBTAINED. HOWEVER, THAT EVIDENCE MAY BE USED TO REVOKE  
2 PAROLE OR PROBATION OR IMPEACH A DEFENDANT'S TESTIMONY AS OTHERWISE  
3 PROVIDED BY LAW.

4 (3) SUBSECTION (1) DOES NOT APPLY TO A CIRCUMSTANCE IN WHICH A  
5 RESIDENT WHO CONSENTS TO AN ENTRY OR SEARCH IS THE VICTIM OF AN  
6 ALLEGED CRIMINAL ACT COMMITTED BY A RESIDENT WHO OBJECTS TO THE  
7 SEARCH FOR WHICH A LAW ENFORCEMENT OFFICER'S PURPOSE IN ENTERING  
8 THE RESIDENCE IS TO OBTAIN EVIDENCE OF THE ALLEGED CRIMINAL ACT.

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.