

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:

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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

House Bill No. 4321 as amended October 22, 2015

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
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.