

# HOUSE BILL No. 4958

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 VIOLATION DESCRIBED IN SUBSECTION (2) UNLESS THE QUESTIONING SESSION IS RECORDED BOTH VISUALLY AND AUDIBLY IN ITS ENTIRETY.

(2) SUBSECTION (1) APPLIES TO ALL OF THE FOLLOWING VIOLATIONS:

(A) A VIOLATION OF SECTION 316, 317, 349, 349A, 350, 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA

1 328, MCL 750.316, 750.317, 750.349, 750.349A, 750.350, 750.520B,  
2 750.520C, 750.520D, 750.520E, AND 750.520G.

3 (B) A VIOLATION DESCRIBED IN SUBDIVISION (A) IF COMMITTED BY  
4 A JUVENILE.

5 (3) AS USED IN THIS SECTION:

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

7 (i) A PEACE OFFICER.

8 (ii) THE ATTORNEY GENERAL OR HIS OR HER ASSISTANT, A COUNTY  
9 PROSECUTING ATTORNEY OR HIS OR HER ASSISTANT, OR AN ATTORNEY REP-  
10 RESENTING A POLITICAL SUBDIVISION OF THIS STATE OR HIS OR HER  
11 ASSISTANT.

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

14 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

15 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-  
16 SION OF THIS STATE.

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

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

19 (iv) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL  
20 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

21 (4) A STATEMENT OBTAINED IN VIOLATION OF THIS SECTION OR  
22 EVIDENCE OBTAINED AS A RESULT OF THAT STATEMENT SHALL NOT BE  
23 EXCLUDED AS EVIDENCE IN A CRIMINAL PROCEEDING SOLELY BECAUSE IT  
24 WAS OBTAINED IN VIOLATION OF THIS SECTION.