

SENATE BILL No. 904

November 29, 2005, Introduced by Senators KUIPERS, STAMAS, GILBERT, JELINEK, ALLEN, GARCIA, BROWN, SANBORN and GOSCHKA and referred to the Committee on Transportation.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 5b to chapter VII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

SEC. 5B. (1) INFORMATION OBTAINED FROM AN EVENT DATA RECORDER INSTALLED IN A MOTOR VEHICLE IS PRIVILEGED, IS NOT SUBJECT TO DISCOVERY, AND SHALL NOT BE INTRODUCED AS EVIDENCE IN A CRIMINAL PROSECUTION UNLESS 1 OF THE FOLLOWING APPLIES:

(A) THE PRIVILEGE IS WAIVED BY THE PERSON OPERATING THE MOTOR VEHICLE.

(B) THE COURT DETERMINES ON THE RECORD THAT THE INFORMATION WAS LAWFULLY OBTAINED PURSUANT TO A SEARCH WARRANT AND THAT THE INFORMATION IS SUBJECT TO BEING DISCOVERED OR INTRODUCED AS

1 EVIDENCE UNDER THE RULES OF COURT.

2 (2) AS USED IN THIS SECTION:

3 (A) "EVENT DATA RECORDER" MEANS THAT TERM AS DEFINED IN
4 SECTION 682C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
5 257.682C.

6 (B) "OPERATING" MEANS THAT TERM AS DEFINED IN SECTION 35A OF
7 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.35A.

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No. 902

10 of the 93rd Legislature is enacted into law.