



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 114 (Substitute S-2 as reported)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Code of Criminal Procedure to do the following:

- Prohibit a law enforcement officer from entering or searching a residence without a valid search warrant, except under exigent circumstances or as otherwise provided in the bill, if a resident expressly objected to the entry or the search, regardless of whether another resident consented.
- Provide that evidence knowingly obtained in violation of that prohibition would be inadmissible in a criminal action against the person who objected, but could be used to revoke parole or probation or to impeach a defendant's testimony.
- Specify that the prohibition would not apply if a resident who consented to an entry or search were the victim of an alleged crime committed by a resident who objected to the entry or search.
- Specify that a minor resident's objection could not prevent a warrantless entry or search if the minor's parent or guardian, who also was a resident, consented to the entry or search.
- Specify that the bill would apply only to an individual who was a resident at the residence at which entry was sought.

MCL 760.25c

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 10-4-19

Fiscal Analyst: Bruce Baker
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