

# SENATE BILL No. 17

January 24, 1991, Introduced by Senator CRUCE and referred to the Committee on Judiciary.

A bill to amend chapter VIII of Act No. 175 of the Public Acts of 1927, entitled as amended  
"The code of criminal procedure,"  
as amended, being sections 768.1 to 768.36 of the Michigan Compiled Laws, by adding section 27a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter VIII of Act No. 175 of the Public Acts  
2 of 1927, as amended, being sections 768.1 to 768.36 of the  
3 Michigan Compiled Laws, is amended by adding section 27a to read  
4 as follows:

### CHAPTER VIII

5  
6 SEC. 27A. (1) A COURT SHALL NOT EXCLUDE EVIDENCE THAT IS  
7 OTHERWISE ADMISSIBLE IN A CRIMINAL PROCEEDING ON THE BASIS THAT  
8 THE EVIDENCE WAS OBTAINED AS A RESULT OF AN UNCONSTITUTIONAL  
9 SEARCH OR SEIZURE IF THE COURT DETERMINES THAT THE PEACE OFFICER

1 ACTED WITH A REASONABLE AND OBJECTIVE GOOD FAITH BELIEF THAT HIS  
2 OR HER CONDUCT WAS PROPER AND CONSTITUTIONAL. SITUATIONS IN  
3 WHICH A PEACE OFFICER ACTS WITH A REASONABLE AND OBJECTIVE GOOD  
4 FAITH BELIEF THAT HIS OR HER CONDUCT IS PROPER AND CONSTITUTIONAL  
5 INCLUDE, BUT ARE NOT LIMITED TO, OBTAINING EVIDENCE PURSUANT TO  
6 ANY OF THE FOLLOWING:

7 (A) A SEARCH OR ARREST WARRANT OBTAINED FROM A NEUTRAL AND  
8 DETACHED MAGISTRATE THAT IS FREE OF OBVIOUS DEFECTS OTHER THAN  
9 NONDELIBERATE ERRORS MADE IN PREPARATION AND THAT THE PEACE OFFI-  
10 CER REASONABLY BELIEVES TO BE VALID.

11 (B) A WARRANTLESS SEARCH INCIDENT TO AN ARREST FOR THE VIO-  
12 LATION OF A STATUTE OR ORDINANCE THAT IS LATER DECLARED UNCONSTI-  
13 TUTIONAL OR OTHERWISE INVALIDATED.

14 (C) RELIANCE ON A COURT PRECEDENT THAT IS LATER OVERRULED.

15 (2) A SHOWING THAT A PEACE OFFICER OBTAINED EVIDENCE PURSU-  
16 ANT TO AND WITHIN THE SCOPE OF A SEARCH WARRANT CONSTITUTES PRIMA  
17 FACIE EVIDENCE THAT THE PEACE OFFICER ACTED WITH A REASONABLE AND  
18 OBJECTIVE GOOD FAITH BELIEF THAT HIS OR HER CONDUCT WAS PROPER  
19 AND CONSTITUTIONAL.