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STRIP AND BODY CAVITY SEARCHES

House Bill 4669

Sponsor: Rep. Mike Kowall

**Committee: Criminal Law and
Corrections**

Complete to 5-17-99

A SUMMARY OF HOUSE BILL 4669 AS INTRODUCED 5-12-99

The bill would amend the Code of Criminal Procedure to expand who may be subjected to a strip and/or a body cavity search. Under current law, strip searches are not generally allowed where the person to be searched is arrested for a misdemeanor. However, such a search may be allowed, with prior written authorization, if there is reasonable cause to believe the person has a weapon, a controlled substance, or evidence of a crime. These limitations on strip searches do not apply where the individual who is to be searched is lodged in a detention facility by order of a court or is in a state correctional facility under the jurisdiction of the Department of Corrections. The bill would expand the circumstances under which strip searches would be generally allowed to specify that correctional facilities under the department's jurisdiction would include a youth correctional facility operated by either the department or a private vendor.

The bill would also amend the provisions regarding body cavity searches, which are generally not allowed without a valid search warrant, to expand the exception that allows such searches without a warrant where the individual who is to be searched is lodged in a detention facility by order of a court or is in a state correctional facility under the jurisdiction of the Department of Corrections.

MCL 764.25a and 764.25b

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.