

SENATE BILL No. 958

May 27, 2014, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 25a of chapter IV (MCL 764.25a), as amended by
1999 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV

2 Sec. 25a. (1) As used in this section, "strip search" means a
3 search which requires a person to remove his or her clothing to
4 expose underclothing, breasts, buttocks, or genitalia.

5 (2) A person arrested or detained for a misdemeanor offense,
6 or an offense which is punishable only by a civil fine shall not be
7 strip searched unless both of the following occur:

8 (a) The person arrested is being lodged into a detention

1 facility by order of a court. ~~or there is reasonable cause to~~
2 ~~believe that the person is concealing a weapon, a controlled~~
3 ~~substance, or evidence of a crime.~~

4 (b) The strip search is conducted by a person who has obtained
5 prior written authorization from the chief law enforcement officer
6 of the law enforcement agency conducting the strip search, or from
7 that officer's designee; or if the strip search is conducted upon a
8 minor in a juvenile detention facility ~~which~~ **THAT** is not operated
9 by a law enforcement agency, the strip search is conducted by a
10 person who has obtained prior written authorization from the chief
11 administrative officer of that facility, or from that officer's
12 designee.

13 (3) A strip search conducted under this section shall be
14 performed by a person of the same sex as the person being searched
15 and shall be performed in a place that prevents the search from
16 being observed by a person not conducting or necessary to assist
17 with the search. A law enforcement officer who assists in the strip
18 search shall be of the same sex as the person being searched.

19 (4) If a strip search is conducted under this section, the
20 arresting officer shall prepare a report of the strip search. The
21 report shall include the following information:

22 (a) The name and sex of the person subjected to the strip
23 search.

24 (b) The name and sex of the person conducting the strip
25 search.

26 (c) The name and sex of a person who assists in conducting the
27 strip search.

1 (d) The time, date, and place of the strip search.

2 (e) The justification for conducting a strip search.

3 (f) A list of all items recovered from the person who was
4 strip searched.

5 (g) A copy of the written authorization required under
6 subsection (2)(b), **IF APPLICABLE**.

7 (5) A copy of the report required by subsection (4) shall be
8 given without cost to the person who has been searched, subject to
9 deletions permitted by section 13 of the freedom of information
10 act, 1976 PA 442, MCL 15.243.

11 (6) A law enforcement officer, any employee of the law
12 enforcement agency, or a chief administrative officer or employee
13 of a juvenile detention facility who conducts or authorizes a strip
14 search in violation of this section is guilty of a misdemeanor.

15 (7) This section ~~shall~~**DOES** not apply to the strip search of a
16 person lodged in a detention facility by an order of a court or in
17 a state correctional facility housing prisoners under the
18 jurisdiction of the department of corrections, including a youth
19 correctional facility operated by the department of corrections or
20 a private vendor under section 20g of **THE CORRECTIONS CODE OF 1953**,
21 1953 PA 232, MCL 791.220g.