

# HOUSE BILL NO. 4465

May 07, 2025, Introduced by Reps. Farhat, Byrnes, Rheingans, Wegela, McFall, Price, Morgan, Foreman, Myers-Phillips, MacDonell, Wilson, Herzberg, Paiz and Liberati and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 25c to chapter IV.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER IV

Sec. 25c. (1) Subject to subsection (4), if an individual who is wearing religious garb that covers the individual's hair in whole or in part, head, face, ears, or neck is arrested and is being taken into custody, and the individual requests an accommodation, based on a sincerely held religious belief, from the

1 arresting law enforcement officer regarding removal of the  
2 religious garb in front of a law enforcement officer or any other  
3 individual of the opposite sex, the arresting law enforcement  
4 officer shall immediately attempt to reach a law enforcement  
5 officer or law enforcement staff member of the same sex to be  
6 present while the individual removes the individual's religious  
7 garb. Subject to subsection (4), if the removal of the religious  
8 garb in a nonprivate location would violate the individual's  
9 expressed religious beliefs, the individual's booking photographs  
10 must be taken by a law enforcement officer or law enforcement staff  
11 member of the same sex as the arrested individual and in a location  
12 where only the law enforcement officer or law enforcement staff  
13 member taking the booking photographs may see the individual.

14 (2) Subject to subsection (4), if subsection (1) applies, the  
15 law enforcement officer or law enforcement staff member of the same  
16 sex shall conduct the removal of any religious garb in an area that  
17 is as private as is practical under the circumstances, taking all  
18 steps reasonably necessary to ensure that individuals of the  
19 opposite sex of the individual being arrested are not present  
20 during the removal.

21 (3) If subsection (1) applies, the following conditions apply  
22 to the taking of a law enforcement booking photograph of an  
23 individual who is arrested while wearing religious garb that covers  
24 the individual's hair in whole or in part, head, neck, ears, or  
25 face:

26 (a) Subject to subsection (4), an officer or staff member of  
27 the same sex as the arrested individual shall take the booking  
28 photographs as follows:

29 (i) For an individual who is wearing religious garb that covers

1 only the individual's hair in whole or in part, head, neck, or ears  
2 and not the individual's face, the officer shall take 2  
3 photographs, front and profile, with the religious garb on. These  
4 photographs must be conducted without the removal of any religious  
5 garb that covers the individual's hair in whole or in part, head,  
6 neck, or ears, unless on visual inspection by the law enforcement  
7 officer or law enforcement staff member, an identifying mark or  
8 characteristic exists that would not be visible with the religious  
9 garb on. If an identifying mark or characteristic exists, the law  
10 enforcement officer or law enforcement staff member shall  
11 separately take photographs of that mark or characteristic.

12 (ii) Except as provided in subparagraph (iii), for an individual  
13 who is wearing religious garb that covers both the individual's  
14 face and the individual's hair in whole or in part, head, neck, or  
15 ears, the law enforcement officer or law enforcement staff member  
16 shall take 2 photographs, front and profile, with the religious  
17 garb on, and 2 photographs, front and profile, removing only the  
18 piece of religious garb that covers the individual's face. The  
19 photographs that require the removal of the religious garb that  
20 covers the individual's face must be conducted without the removal  
21 of any hair, head, neck, or ear covering, unless on visual  
22 inspection by the law enforcement officer or law enforcement staff  
23 member, an identifying mark or characteristics exists that would  
24 not be visible with the religious garb on. If an identifying mark  
25 or characteristic exists, the law enforcement officer or law  
26 enforcement staff member shall separately take photographs of that  
27 mark or characteristic.

28 (iii) If all of the following circumstances apply with respect  
29 to an individual who is wearing religious garb that covers both the

1 individual's face and the individual's hair in whole or in part,  
2 head, neck, or ears who is being booked into a county jail, the  
3 individual may have a front and profile booking photograph taken in  
4 which the individual's face, neck, hair, head, and ears are  
5 exposed:

6 (A) The individual is under arrest for a felony.

7 (B) The individual is going to be lodged in a county jail.

8 (C) The county sheriff's office performing the booking of the  
9 individual has a written policy requiring photographs be taken as  
10 provided under this subparagraph.

11 (b) Subject to subdivision (c), any photographs taken under  
12 subdivision (a) that include the arrested individual without some  
13 or all of the individual's religious garb are confidential, must  
14 not be made public, and are exempt from disclosure under the  
15 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

16 (c) Subdivision (b) does not apply to photographs that include  
17 the arrested individual without some or all of the individual's  
18 religious garb, if any of the following circumstances apply:

19 (i) The photograph is being shared with another law enforcement  
20 agency for investigative purposes.

21 (ii) The photograph is being shown to a witness or victim of a  
22 crime for the purpose of making an identification of a criminal  
23 suspect, if at the time the crime was committed the suspect was not  
24 wearing religious garb.

25 (iii) The photograph is being released to the public for  
26 purposes of identifying or locating a criminal suspect wanted in  
27 connection with the commission of an assaultive crime or violent  
28 felony.

29 (iv) The photograph is being used for the purpose of

1 facilitating a criminal prosecution.

2 (v) The photograph is being used for the purpose of  
3 facilitating a defense in a civil action.

4 (4) All reasonable efforts must be made to ensure that a law  
5 enforcement officer or law enforcement staff member of the same sex  
6 undertakes searches incident to arrest and the taking of booking  
7 photographs under this section. However, if reasonable efforts have  
8 been made and a law enforcement officer or law enforcement staff  
9 member of the same sex cannot be made available or if the  
10 particular circumstances present a danger to the safety of a law  
11 enforcement officer, law enforcement staff member, or the arrested  
12 individual, the requirement that a law enforcement officer or law  
13 enforcement staff member of the same sex perform these duties does  
14 not apply.

15 (5) If an individual wearing religious garb is to be released  
16 immediately, the individual may retain the individual's own  
17 religious garb. If an individual wearing religious garb is not  
18 released immediately, the individual must be provided replacement  
19 religious garb in a reasonable time frame. Religious garb provided  
20 under this subsection must be designed in a manner that it covers  
21 the individual's hair and complies with the rules and restrictions  
22 of the jail, lockup, or other holding facility to which the  
23 individual is being sent or in which the individual will be housed.

24 (6) A booking photograph taken in violation of this section  
25 must be destroyed and retaken in compliance with this section.

26 (7) As used in this section:

27 (a) "Law enforcement officer" means that term as defined in  
28 section 2 of the Michigan commission on law enforcement standards  
29 act, 1965 PA 203, MCL 28.602. Law enforcement officer also includes

1 a local corrections officer.

2 (b) "Law enforcement staff member" means an individual  
3 employed by or under contract with a law enforcement agency who is  
4 not a law enforcement officer.

5 (c) "Local corrections officer" means that term as defined in  
6 section 2 of the local corrections officers training act, 2003 PA  
7 125, MCL 791.532.