

Senate eyes wiretap bill

By Tim Richard
staff writer

An amended state wiretap bill emerged from the Senate Judiciary Committee last week, but without Chairman Rudy Nichols' vote.

The amendments — suggested chiefly by the American Civil Liberties Union — were pushed through by Sens. Richard Fessler, R-Commerce, and John Kelly, D-Grosse Pointe Farms.

"They were walking around like this," said Nichols. R-Waterford, with his hand in his inside coat pocket. "This was the first I saw of them (amendments). But that's politics," Nichols shrugged.

Fessler said the amendments were worked out in a meeting a couple of days prior to the regular Judiciary Committee meeting. He said any senator may attend.

SB 125 WAS reported out on a 4-0 committee vote with Nichols ab-

staining. This week it goes to the Senate floor where it faces likely passage but tougher scrutiny in the House.

The bill would allow county prosecutors to ask court permission to tap the phone conversations of major drug dealers. The evidence would be admissible in court.

The bill's sponsor, Sen. Nick Smith, R-Hillsdale County, said the amendments were acceptable to him. A state spokesman said the bill shouldn't be held up.

Howard Simon, of the Michigan ACLU, said afterwards that about half of his suggested amendments had been incorporated.

MAJOR AMENDMENTS:

A shorter time limit is placed on the life of the wiretap authorization. ACLU had suggested a flat 30-day limit with no extensions.

The Fessler-Kelly amendment will allow two extensions — a total of 90 days. "Beyond that, they'd have

to go to a different judge and show that the 'tap' is has been worthwhile," Fessler said.

There are tighter conditions under which a judge could authorize a wiretap. The prosecutor would have to show that other methods have failed, but couldn't argue that other techniques were "too dangerous."

Police records could be kept for only one year instead of 10. "Let's eliminate records if they're not needed," said Fessler. At the conclusion of the investigation, the subject would have to be notified and allowed to see the information.

Eliminated was a prohibition on advertising of bugging equipment in newspapers, magazines, handbills or broadcasts. Senators felt it violated freedom of speech and press.

But the sale of equipment would be limited to law enforcement people. "We're saying to private detectives it's against the law," Fessler said.

IN A PROCEDURAL change, the

Fessler-Kelly amendments placed reporting and training requirements in the hands of the State Police rather than the attorney general.

"The State Police have contacts in all 83 counties," said Fessler. "Drug trafficking crosses boundaries. The State Police is the fabric to knit it together and make it work."

"They have a visible presence or they're just down the road. They're better able to work with local police and prosecutors and to avoid over-laps."

"The State Police are free of some political jealousies of prosecutors and others. They are better able to train (local police). They are better able to help local law enforcement officers develop a case."

"They would be in charge of purchasing wiretap equipment and keeping records of where the taps are and who has 'em."

"If they have legal problems, they'll turn to the attorney general anyway," he said.

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clarification

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Not all the raccoons and skunks seen during the daylight are diseased, according to John Murphy, animal control officer in Southfield Township. Although they are nocturnal, many mother raccoons with babies go out later in the day to find food for their young, he said.

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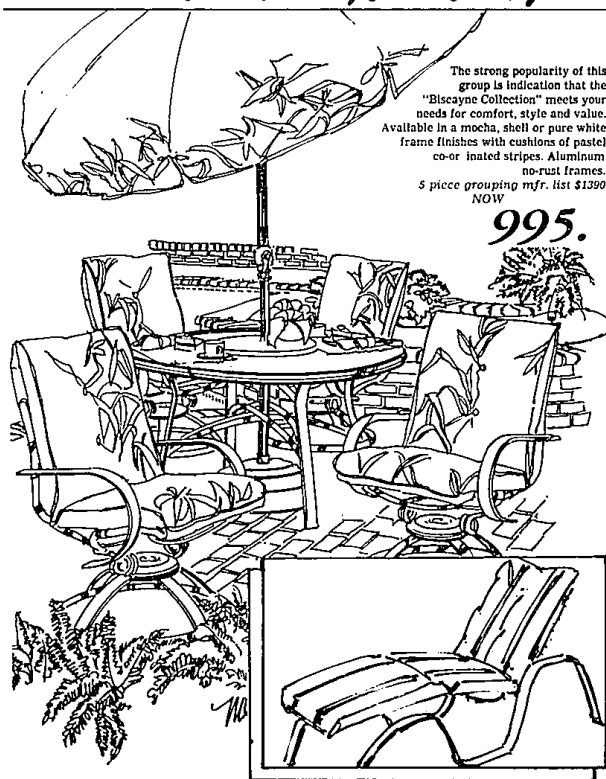
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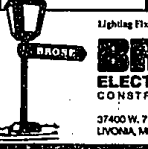
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