



**House
Legislative
Analysis
Section**

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ALLOW "FAXING" OF OATHS, WARRANTS

House Bills 4483-4486
Sponsor: Rep. William Van Regenmorter
Committee: Judiciary

Complete to 1-25-90

A SUMMARY OF HOUSE BILLS 4483-4486 AS INTRODUCED 3-32-89

House Bills 4483 through 4486 constitute a package of bills to establish statutory procedures governing the use of facsimile machines in issuing warrants.

House Bill 4483 would amend a section of the code of criminal procedure that deals with the issuing of arrest warrants. Under the bill, a complaint for an arrest warrant could be made by any electronic or electromagnetic means of communication if the prosecuting attorney authorized the warrant, the judge orally administered the necessary oath, and the applicant signed the complaint. The prosecutor's authorization and the applicant's signature could be managed by "faxing" signed documents, or by verifying under a system approved by the state court administrator. A judge could issue an arrest warrant in person or by any electronic or electromagnetic means of communication. Before executing a warrant, the person or department receiving a "faxed" warrant would have to have proof that the issuing judge had signed the warrant. That proof could consist of a "faxed" copy of the signed warrant, or of verification by a system approved by the state court administrator. The bill could not take effect unless House Bill 4486 was enacted.

MCL 764.1

House Bill 4484 would amend a section of the code of criminal procedure that deals with search warrants. An affidavit for a search warrant could be made by any electronic or electromagnetic means of communication if the judge orally administered the oath and the affiant signed the affidavit. Procedures would parallel those under House Bill 4483. However, the bill would provide that if the court order required to impose testing under the drunk driving law was issued as a search warrant, the search could be issued in person or by any electronic or electromagnetic means of communication. In addition, the bill would require that search warrants issued by electronic means be constructed of materials that do not deteriorate more rapidly than ordinary paper. The bill could not take effect unless House Bill 4486 was enacted.

MCL 780.651

House Bill 4485 would amend a section of the Revised Judicature Act that deals generally with the administration of oaths other than oaths taken by witnesses or jurors in trials. Under the bill, an oath or affirmation administered by electronic means under House Bill 4483 or House Bill 4484 would be considered to be administered before the justice, judge, or district court magistrate. The bill could not take effect unless House Bills 4483, 4484, and 4486 were enacted.

MCL 600.1440

House Bills 4483-4486 (1-25-90)

House Bill 4486 would amend a section of the Revised Judicature Act that deals with the mode of administering oaths. Under the bill, an oath or affirmation administered electronically under House Bill 4483 or House Bill 4484 would be considered to be administered before the justice, judge, or district court magistrate. The bill could not take effect unless House Bills 4483 and 4484 were enacted.

MCL 600.1432