

HOUSE BILL No. 5579

March 12, 1990, Introduced by Reps. Stupak, Gire, Niederstadt, Hart, Sofio and O'Neill and referred to the Committee on Judiciary.

A bill to amend Act No. 189 of the Public Acts of 1966,
entitled

"An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,"

as amended, being sections 780.651 to 780.659 of the Michigan Compiled Laws, by adding section 6a; and to repeal certain parts of the act on a specific date.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 189 of the Public Acts of 1966, as
2 amended, being sections 780.651 to 780.659 of the Michigan
3 Compiled Laws, is amended by adding section 6a to read as
4 follows:

5 SEC. 6A. (1) NOTWITHSTANDING SECTION 6, IN ORDER TO EXECUTE
6 A WARRANT AN OFFICER MAY ENTER A HOUSE OR BUILDING IMMEDIATELY,

1 WITHOUT GIVING NOTICE OF THE OFFICER'S PURPOSE OR WAITING UNTIL
2 ADMITTANCE IS REFUSED, IF BOTH OF THE FOLLOWING APPLY:

3 (A) THE WARRANT EXPRESSLY AUTHORIZES THE OFFICER TO DO SO.

4 (B) THE WARRANT AUTHORIZES THE SEIZURE OF EVIDENCE OF A VIO-
5 LATION OF SECTION 7401, 7402, 7403, OR 7404 OF THE PUBLIC HEALTH
6 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
7 333.7401 TO 333.7404 OF THE MICHIGAN COMPILED LAWS.

8 (2) THE MAGISTRATE MAY INCLUDE IN THE WARRANT THE AUTHORIZA-
9 TION DESCRIBED IN SUBSECTION (1)(A) ONLY IF THE AFFIDAVIT SPECIF-
10 ICALLY ALLEGES AND THE MAGISTRATE DETERMINES, BASED ON FACTS
11 RELATED WITHIN THE AFFIDAVIT, THAT THE COLLECTION OF EVIDENCE OR
12 THE SAFETY OF THE OFFICER EXECUTING THE WARRANT OR OF ANOTHER
13 PERSON MAY BE JEOPARDIZED BY ANY DELAY IN THE EXECUTION OF THE
14 WARRANT.

15 Section 2. Section 6a of Act No. 189 of the Public Acts of
16 1966 is repealed effective upon the expiration of 3 years follow-
17 ing its effective date.