

HOUSE BILL No. 5826

May 29, 1990, Introduced by Rep. Dunaskiss and referred to the Committee on Judiciary.

A bill to amend sections 1, 2, and 4 of 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,"

being sections 780.651, 780.652, and 780.654 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, and 4 of Act No. 189 of the
2 Public Acts of 1966, being sections 780.651, 780.652, and 780.654
3 of the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 1. When an affidavit is made on oath to a magistrate
5 authorized to issue warrants in criminal cases and ~~when~~ the
6 affidavit establishes the grounds for issuing a warrant pursuant
7 to this act, the magistrate, if he OR SHE is satisfied that there
8 is reasonable or probable cause ~~therefor~~ FOR THE SEARCH, shall

1 issue a warrant to search the house, building, or other location
2 or place where the property, ~~or~~ thing, ~~which is~~ OR INDIVIDUAL
3 to be searched for and seized is ~~situated~~ LOCATED.

4 Sec. 2. (1) A warrant may be issued to search for and seize
5 any ~~property or other thing which is either~~ OF THE FOLLOWING:

6 (a) ~~Stolen~~ ANY PROPERTY OR OTHER THING THAT IS STOLEN or
7 embezzled in violation of ~~any~~ A law of this state.

8 (b) ~~Designed~~ ANY PROPERTY OR OTHER THING THAT IS DESIGNED
9 and intended for use ~~or which is or has been used as the means~~
10 ~~of~~ IN committing a criminal offense, OR THAT IS BEING USED, OR
11 THAT HAS BEEN USED, IN COMMITTING A CRIMINAL OFFENSE.

12 (c) ~~Possessed~~ ANY PROPERTY OR OTHER THING THAT IS
13 POSSESSED, controlled, or used, wholly or partially, in violation
14 of ~~any~~ A law of this state.

15 (d) ~~Evidence~~ ANY PROPERTY OR OTHER THING THAT IS EVIDENCE
16 of A crime or EVIDENCE OF criminal conduct on the part of any
17 person.

18 (e) ~~Contraband~~ ANY PROPERTY OR OTHER THING THAT IS
19 CONTRABAND.

20 (f) The ~~bodies or persons of human beings~~ LIVING OR
21 DECEASED BODY OF AN INDIVIDUAL or ~~of animals~~ ANIMAL, who may
22 ~~be~~ HAVE BEEN the ~~victims~~ VICTIM of a criminal offense.

23 (g) ~~The object of a search warrant~~ ANY PROPERTY OR OTHER
24 THING THAT MAY BE SEARCHED FOR AND SEIZED under any other law of
25 this state. ~~providing for the same.~~

1 (H) AN INDIVIDUAL FOR THE PURPOSE OF AN IDENTIFICATION
2 LINEUP OR FOR OBTAINING HIS OR HER PHOTOGRAPH IN ORDER TO CONDUCT
3 A PHOTOGRAPHIC IDENTIFICATION LINEUP.

4 (2) If a conflict exists between this act and any other
5 search warrant law, this act ~~shall be deemed~~ IS controlling.

6 Sec. 4. A search warrant shall be directed to the sheriff
7 or any peace officer, commanding ~~such~~ THAT SHERIFF OR PEACE
8 officer to search the house, building, or other location or
9 place, where any property, ~~or other~~ thing, OR INDIVIDUAL for
10 which he OR SHE is required to search is believed to be
11 concealed. Each warrant shall designate and describe the house,
12 ~~or~~ building, or other location or place to be searched, and the
13 property, ~~or~~ thing, OR INDIVIDUAL to be seized. The ~~warrant~~
14 ~~shall also state the~~ grounds, ~~or the~~ probable CAUSE, or rea-
15 sonable cause for ~~its issuance~~ ISSUING THE WARRANT SHALL BE
16 STATED IN THE WARRANT, or in lieu ~~thereof~~ OF STATING THE
17 GROUNDS, PROBABLE CAUSE, OR REASONABLE CAUSE IN THE WARRANT, a
18 copy of the affidavit ~~may~~ SHALL be attached ~~thereto~~ TO THE
19 WARRANT.