

HOUSE BILL No. 4831

May 14, 1991, Introduced by Reps. Fitzgerald, Nye, Hoffman, Robertson, McBryde, Dalman, Bodem, Walberg, McNutt, London, Horton, Bender, Dolan, Martin, Willis Bullard, Middleton, Brackenridge and Yokich and referred to the Committee on Judiciary.

A bill to amend section 6 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 section 780.656 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 189 of the Public Acts of
2 1966, being section 780.656 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 6. The officer to whom a warrant is directed, or any
5 person assisting him OR HER, may break any outer or inner door or
6 window of a house or building, ANY PART OF THE HOUSE OR BUILDING,
7 or anything ~~therein,~~ in ~~order to~~ THE HOUSE OR BUILDING, UNDER
8 ANY OF THE FOLLOWING CIRCUMSTANCES:

1 (A) TO execute the warrant, if, after notice of ~~his~~ THE
2 OFFICER'S authority and purpose, ~~he~~ THE OFFICER is refused
3 admittance. ~~, or when~~

4 (B) TO EXECUTE THE WARRANT, WITHOUT GIVING NOTICE OF THE
5 OFFICER'S AUTHORITY AND PURPOSE, IF THE MAGISTRATE ISSUING THE
6 WARRANT HAS INCLUDED IN THE WARRANT A DIRECTION THAT THE OFFICER
7 EXECUTING THE WARRANT IS NOT REQUIRED TO GIVE NOTICE OF AUTHORITY
8 AND PURPOSE. THE MAGISTRATE MAY DIRECT THAT NOTICE OF AUTHORITY
9 AND PURPOSE NEED NOT BE GIVEN UPON PROOF UNDER OATH TO HIS OR HER
10 SATISFACTION THAT THE PROPERTY SOUGHT MAY EASILY OR QUICKLY BE
11 DESTROYED OR DISPOSED OF, OR THAT DANGER TO THE LIFE AND LIMB OF
12 THE OFFICER OR ANOTHER MAY RESULT, IF SUCH NOTICE IS GIVEN. AN
13 OFFICER ACTING PURSUANT TO A WARRANT ISSUED UNDER THIS SUBDIVI-
14 SION, AS SOON AS PRACTICABLE AFTER ENTERING THE HOUSE OR BUILDING
15 DESCRIBED IN THE WARRANT, SHALL IDENTIFY HIMSELF OR HERSELF AND
16 STATE THE PURPOSE OF, AND AUTHORITY FOR, ENTERING THE HOUSE OR
17 BUILDING.

18 (C) IF necessary to liberate himself OR HERSELF or any
19 person assisting him OR HER in execution of the warrant.