

SENATE BILL No. 438

July 25, 1991, Introduced by Senator N. SMITH and referred to the Committee on Family Law, Criminal Law, and Corrections.

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 THE HOUSE OR BUILDING, UNDER ANY OF THE
8 FOLLOWING CIRCUMSTANCES:

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

4 (B) THE MAGISTRATE HAS DETERMINED FROM THE AFFIDAVIT THAT
5 THE COLLECTION OF EVIDENCE OR THE SAFETY OF THE OFFICER OR
6 ANOTHER PERSON MAY BE JEOPARDIZED BY ANY DELAY IN THE EXECUTION
7 OF THE WARRANT, AND THE MAGISTRATE HAS DIRECTED IN THE WARRANT
8 THAT THE OFFICER EXECUTING THE WARRANT MAY ENTER THE HOUSE OR
9 BUILDING IMMEDIATELY, WITHOUT GIVING NOTICE OF THE OFFICER'S PUR-
10 POSE OR WAITING UNTIL ADMITTANCE IS REFUSED.

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