



# HOUSE BILL No. 4215

February 11, 1993, Introduced by Reps. Fitzgerald, Galloway, Hoffman, Nye, Bodem, Walberg, McBryde, Hammerstrom, Whyman, Goschka, Bandstra, McNutt, Dalman, Vorva, Lowe, Stille, Martin, Horton, Voorhees, Dolan, Jersevic, DeLange, Kukuk, Bullard, Llewellyn, Jamian, Cropsey, Weeks, Yokich, Middleton, Hill, Byrum, Brackenridge and Rhead 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) 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.