



HOUSE BILL No. 5964

November 29 1994 Introduced by Rep Hill and referred to the Committee on Judiciary

A bill to amend section 1 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,"

as amended by Act No 43 of the Public Acts of 1990, being section 780 651 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 1 of Act No 189 of the Public Acts of
2 1966, as amended by Act No 43 of the Public Acts of 1990, being
3 section 780 651 of the Michigan Compiled Laws is amended to read
4 as follows

5 Sec 1 (1) When an affidavit is made on oath to a JUDGE OR
6 DISTRICT COURT magistrate authorized to issue warrants in
7 criminal cases and the affidavit establishes grounds for issuing
8 a warrant pursuant to this act the JUDGE OR DISTRICT COURT

1 magistrate if he or she is satisfied that there is probable
2 cause for the search shall issue a warrant to search the house,
3 building, or other location or place where the property or thing
4 to be searched for and seized is situated

5 (2) An affidavit for a search warrant may be made by any
6 electronic or electromagnetic means of communication if both of
7 the following occur

8 (a) The judge or district court magistrate orally adminis-
9 ters the oath or affirmation to an applicant for a search warrant
10 who submits an affidavit under this subsection

11 (b) The affiant signs the affidavit Proof that the affiant
12 has signed the affidavit may consist of an electronically or
13 electromagnetically transmitted facsimile of the signed
14 affidavit

15 (3) A judge OR DISTRICT COURT MAGISTRATE may issue a written
16 search warrant in person or by any electronic or electromagnetic
17 means of communication If a court order required pursuant to
18 section 625a of the Michigan vehicle code, Act No 300 of the
19 Public Acts of 1949, being section 257 625a of the Michigan
20 Compiled Laws is issued as a search warrant, the written search
21 warrant may be issued in person or by any electronic or electro-
22 magnetic means of communication by a judge or by a district court
23 magistrate

24 (4) The peace officer or department receiving an electroni-
25 cally or electromagnetically issued search warrant shall receive
26 proof that the issuing judge or district court magistrate has
27 signed the warrant before the warrant is executed Proof that

1 the issuing judge or district court magistrate has signed the
2 warrant may consist of an electronically or electromagnetically
3 transmitted facsimile of the signed warrant

4 (5) The state court administrator shall establish paper
5 quality and durability standards for warrants issued under this
6 section

7 (6) If an oath or affirmation is orally administered by
8 electronic or electromagnetic means of communication under this
9 section the oath or affirmation is considered to be administered
10 before the judge or district court magistrate

11 (7) If an affidavit for a search warrant is submitted by
12 electronic or electromagnetic means of communication, or a search
13 warrant is issued by electronic or electromagnetic means of com-
14 munication the transmitted copies of the affidavit or search
15 warrant are duplicate originals of the affidavit or search war-
16 rant and are not required to contain an impression made by an
17 impression seal

18 Section 2 This amendatory act shall not take effect unless
19 Senate Bill No _____ or House Bill No 5965 (request
20 no 05808 94) of the 87th Legislature is enacted into law