

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 730 (as introduced 10-17-01)
Sponsor: Senator Shirley Johnson
Committee: Judiciary

Date Completed: 10-30-01

CONTENT

The bill would amend Public Act 189 of 1966, which provides the procedures for obtaining, executing, and returning search warrants, to restrict access to an affidavit establishing grounds for issuing a search warrant.

Under the Act, a search warrant must state the grounds or the probable or reasonable cause for its issuance, or have attached to it a copy of an affidavit that established grounds for issuing the search warrant and was made on oath to a magistrate or judge. The bill specifies that, if a copy of the affidavit were attached to a search warrant, the officer in charge of executing the warrant would not be required to show or give the affidavit, or a signed copy of it, to any person whose premises were searched pursuant to the warrant.

In addition, the Act provides that when an officer executing a search warrant finds property or seizes any of the other things for which a search warrant is allowed, the officer must make a complete tabulation of the property and things seized. The officer must give the person from whom, or from whose premises, the property was taken a copy of the warrant and a copy of the tabulation, or leave a copy of the warrant and the tabulation at the place from which the property or thing was taken. The bill specifies that the officer would not be required to give a copy of the affidavit to that person or to leave a copy of the affidavit at the place from which the property or thing was taken.

Under the Act, the officer also must file the tabulation promptly with the court or magistrate. The tabulation may be suppressed by court order until the final disposition of the case, unless otherwise ordered. The bill would allow the affidavit to be suppressed, as well.

MCL 780.654 & 780.655

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Baker

S0102\S730sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.