

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 730

A bill to amend 1966 PA 189, 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,"

by amending sections 4 and 5 (MCL 780.654 and 780.655).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) A search warrant shall be directed to the sher-
2 iff or any peace officer, commanding ~~such~~ THE SHERIFF OR PEACE
3 officer to search the house, building, or other location or
4 place, where any property or other thing for which ~~he~~ THE SHER-
5 IFF OR PEACE OFFICER is required to search is believed to be
6 concealed. Each warrant shall designate and describe the house
7 or building or other location or place to be searched and the
8 property or thing to be seized.
- 9 (2) The warrant shall ~~also~~ EITHER state the grounds or the
10 probable or reasonable cause for its issuance ~~,~~ or ~~in lieu~~

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1 ~~thereof,~~ SHALL HAVE ATTACHED TO IT a copy of the affidavit. ~~may~~
2 ~~be attached thereto.~~

3 (3) UPON A SHOWING THAT IT IS NECESSARY TO PROTECT AN ONGO-
4 ING INVESTIGATION OR THE PRIVACY OR SAFETY OF A VICTIM OR WIT-
5 NESS, THE MAGISTRATE MAY ORDER THAT THE AFFIDAVIT BE SUPPRESSED
6 AND NOT BE GIVEN TO THE PERSON WHOSE PROPERTY WAS SEIZED OR WHOSE
7 PREMISES WERE SEARCHED UNTIL THAT PERSON IS CHARGED WITH A CRIME
8 OR NAMED AS A CLAIMANT IN A CIVIL FORFEITURE PROCEEDING INVOLVING
9 EVIDENCE SEIZED AS A RESULT OF THE SEARCH.

10 Sec. 5. (1) When an officer in the execution of a search
11 warrant finds any property or seizes any of the other things for
12 which a search warrant is allowed by this act, the officer, in
13 the presence of the person from whose possession or premises the
14 property or thing was taken, if present, or in the presence of at
15 least 1 other person, shall make a complete and accurate tabula-
16 tion of the property and things ~~so~~ THAT WERE seized. The offi-
17 cer taking property or other things under the warrant shall
18 ~~forthwith~~ give to the person from whom or from whose premises
19 the property was taken a copy of the warrant and shall give to
20 the person a copy of the tabulation upon completion, or shall
21 leave a copy of the warrant and tabulation at the place from
22 which the property or thing was taken. ~~He~~ THE OFFICER IS NOT
23 REQUIRED TO GIVE A COPY OF THE AFFIDAVIT TO THAT PERSON OR TO
24 LEAVE A COPY OF THE AFFIDAVIT AT THE PLACE FROM WHICH THE PROP-
25 ERTY OR THING WAS TAKEN.

26 (2) THE OFFICER shall file the tabulation promptly with the
27 court or magistrate. The tabulation may be suppressed by order

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1 of the court until the final disposition of the case unless
2 otherwise ordered. The property and things ~~so~~ THAT WERE seized
3 shall be safely kept by the officer so long as necessary for the
4 purpose of being produced or used as evidence ~~on~~ IN any trial.

5 (3) As soon as practicable, ~~after trial,~~ stolen or embez-
6 zled property shall be restored to the owner ~~thereof~~ OF THE
7 PROPERTY. Other things seized under the warrant shall be dis-
8 posed of under direction of the court or magistrate, except that
9 ~~moneys~~ MONEY and other useful property shall be turned over to
10 the state, county or municipality, the officers of which seized
11 the property under the warrant. ~~Such moneys~~ MONEY TURNED OVER
12 TO THE STATE, COUNTY, OR MUNICIPALITY shall be credited to the
13 general fund of the state, county, or municipality.

14 Enacting section 1. This amendatory act takes effect May 1,
15 2002.