

REPRINT

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 730

(As passed the House, March 7, 2002)

(As amended by the Senate, March 21, 2002)

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-
2iff or any peace officer, commanding ~~such~~ THE SHERIFF OR PEACE
3officer to search the house, building, or other location or
4place, where any property or other thing for which ~~he~~ THE SHER-
5IFF OR PEACE OFFICER is required to search is believed to be
6concealed. Each warrant shall designate and describe the house
7or building or other location or place to be searched and the
8property or thing to be seized.

9 (2) The warrant shall ~~also~~ EITHER state the grounds or the
10probable or reasonable cause for its issuance ~~,~~ or ~~in lieu~~

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

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

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

26 (2) THE OFFICER shall file the tabulation promptly with the
 27court 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 April 22,
15 2002.