

SENATE BILL No. 468

June 15, 2011, Introduced by Senators HANSEN, HILDENBRAND, EMMONS, PROOS, JONES, MARLEAU and SCHUITMAKER and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1a of chapter IV (MCL 764.1a), as amended by
2005 PA 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 1a. (1) A magistrate shall issue a warrant upon
presentation of a proper complaint alleging the commission of an
offense and a finding of reasonable cause to believe that the
individual accused in the complaint committed that offense. The
complaint shall be sworn to before a magistrate or clerk.

(2) The finding of reasonable cause by the magistrate may be
based upon 1 or more of the following:

(a) Factual allegations of the complainant contained in the
complaint.

1 (b) The complainant's sworn testimony.

2 (c) The complainant's affidavit.

3 (d) Any supplemental sworn testimony or affidavits of other
4 individuals presented by the complainant or required by the
5 magistrate.

6 (3) The magistrate may require sworn testimony of the
7 complainant or other individuals. Supplemental affidavits may be
8 sworn to before an individual authorized by law to administer
9 oaths. The factual allegations contained in the complaint,
10 testimony, or affidavits may be based upon personal knowledge,
11 information and belief, or both.

12 (4) The magistrate shall not refuse to accept a complaint
13 alleging a violation of section 81 or 81a of the Michigan penal
14 code, 1931 PA 328, MCL 750.81 and 750.81a, or a violation of a
15 local ordinance substantially corresponding to section 81 of the
16 Michigan penal code, 1931 PA 328, MCL 750.81, by the spouse of the
17 victim, a former spouse of the victim, an individual with whom the
18 victim has had a child in common, an individual with whom the
19 victim has or has had a dating relationship, or an individual
20 residing or having resided in the same household as the victim on
21 grounds that the complaint is signed upon information and belief by
22 an individual other than the victim.

23 **(5) THE MAGISTRATE SHALL NOT REFUSE TO ACCEPT A COMPLAINT**
24 **ALLEGING THAT A CRIME WAS COMMITTED IN WHICH THE VICTIM IS A**
25 **VULNERABLE ADULT ON THE GROUNDS THAT THE COMPLAINT IS SIGNED UPON**
26 **INFORMATION AND BELIEF BY AN INDIVIDUAL OTHER THAN THE VICTIM.**

27 (6) ~~(5)~~—A warrant may be issued under this section only upon

1 compliance with the requirements of section 1 of this chapter.

2 (7) ~~(6)~~—As used in this section: ~~—"dating"~~

3 (A) **"DATING** relationship" means frequent, intimate
4 associations primarily characterized by the expectation of
5 affectional involvement. Dating relationship does not include a
6 casual relationship or an ordinary fraternization between 2
7 individuals in a business or social context.

8 (B) **"VULNERABLE ADULT" MEANS THAT TERM AS DEFINED IN SECTION**
9 **145M OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145M.**