

# HOUSE BILL No. 4345

February 24, 2011, Introduced by Reps. Ananich, Smiley, Santana, Darany, Bauer, Slavens, Townsend, Liss, Geiss, Barnett, Tlaib, Irwin, Oakes, Brown, Cavanagh, Hovey-Wright, Dillon, Switalski, Haugh, Segal, Durhal, Brunner, Rutledge, Meadows, McCann and Lipton and referred to the Committee on Judiciary.

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:

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

3 (b) The complainant's sworn testimony.

4 (c) The complainant's affidavit.

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

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

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

25 **(5) THE MAGISTRATE SHALL NOT REFUSE TO ACCEPT A COMPLAINT**  
26 **ALLEGING THAT A CRIME WAS COMMITTED IN WHICH THE VICTIM IS A**  
27 **VULNERABLE ADULT ON THE GROUNDS THAT THE COMPLAINT IS SIGNED UPON**

1    **INFORMATION AND BELIEF BY AN INDIVIDUAL OTHER THAN THE VICTIM.**

2            (6) ~~(5)~~—A warrant may be issued under this section only upon  
3 compliance with the requirements of section 1 of this chapter.

4            (7) ~~(6)~~—As used in this section: ~~—"dating"~~

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

10           (B) "**VULNERABLE ADULT**" MEANS THAT TERM AS DEFINED IN SECTION  
11 145M OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145M.