

SUBSTITUTE FOR
SENATE BILL NO. 845

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1 of chapter IV (MCL 764.1), as amended by 2004
PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

1
2 Sec. 1. (1) For the apprehension of persons charged with a
3 felony, misdemeanor, or ordinance violation, a **JUDGE OR DISTRICT**
4 **COURT** magistrate may issue processes to implement this chapter,
5 except that a **JUDGE OR DISTRICT COURT** magistrate shall not issue a
6 warrant for other than a minor offense unless an authorization in
7 writing allowing the issuance of the warrant is filed with the
8 **JUDGE OR DISTRICT COURT** magistrate and, except as otherwise
9 provided in this act, the authorization is signed by the
10 prosecuting attorney, or unless security for costs is filed with

1 the **JUDGE OR DISTRICT COURT** magistrate.

2 (2) A **JUDGE OR DISTRICT COURT** magistrate shall not issue a
3 warrant for a minor offense unless an authorization in writing
4 allowing the issuance of the warrant is filed with the **JUDGE OR**
5 **DISTRICT COURT** magistrate and signed by the prosecuting attorney,
6 or unless security for costs is filed with the **JUDGE OR DISTRICT**
7 **COURT** magistrate, except if the warrant is requested by any of the
8 following officials for the following offenses:

9 (a) Agents of the state transportation department, a county
10 road commission, or the public service commission for violations of
11 the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, or the
12 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to
13 ~~480.22~~, **480.25**, the enforcement of which has been delegated to
14 them.

15 (b) The director of the department of natural resources, or a
16 special assistant or conservation officer appointed by the director
17 **OF THE DEPARTMENT OF NATURAL RESOURCES** and declared by statute to
18 be a peace officer, for a violation of a law that provides for the
19 protection of wild game or fish.

20 (3) A complaint for an arrest warrant may be made by any
21 electronic or electromagnetic means of communication **FROM ANY**
22 **LOCATION IN THIS STATE**, if all of the following occur:

23 (a) The prosecuting attorney authorizes the issuance of the
24 warrant. Authorization may consist of an electronically or
25 electromagnetically transmitted facsimile of the signed
26 authorization.

27 (b) The judge **OR DISTRICT COURT MAGISTRATE** orally administers

1 the oath or affirmation to an applicant for an arrest warrant who
2 submits a complaint under this subsection.

3 (c) The applicant signs the complaint. Proof that the
4 applicant has signed the complaint may consist of an electronically
5 or electromagnetically transmitted facsimile of the signed
6 complaint.

7 (4) The person or department receiving an electronically or
8 electromagnetically issued arrest warrant shall receive proof that
9 the issuing judge **OR DISTRICT COURT MAGISTRATE** has signed the
10 warrant before the warrant is executed. Proof that the issuing
11 judge **OR DISTRICT COURT MAGISTRATE** has signed the warrant may
12 consist of an electronically or electromagnetically transmitted
13 facsimile of the signed warrant.