

# SENATE BILL No. 845

March 4, 2014, Introduced by Senators HANSEN, JONES, NOFS, CASPERSON, PAPPAGEORGE, PROOS and PAVLOV and referred to the Committee on Judiciary.

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

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

1 prosecuting attorney, or unless security for costs is filed with  
2 the **JUDGE OR DISTRICT COURT** magistrate.

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

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

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

21 (3) A complaint for an arrest warrant may be made by any  
22 electronic or electromagnetic means of communication, if all of the  
23 following occur:

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

1           (b) The judge **OR DISTRICT COURT MAGISTRATE** orally administers  
2 the oath or affirmation to an applicant for an arrest warrant who  
3 submits a complaint under this subsection.

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

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