

HOUSE BILL No. 5722

June 7, 2016, Introduced by Rep. Lucido and referred to the Committee on Criminal Justice.

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 section 3 (MCL 780.653), as amended by 2014 PA 383.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The judge or district court magistrate's finding
2 of reasonable or probable cause shall be based upon all the facts
3 related within the affidavit made before him or her. The affidavit
4 may be based upon information supplied to the complainant by a
5 named or unnamed person if the affidavit contains 1 of the
6 following:

7 (a) If the person is named, affirmative allegations from which

1 the judge or district court magistrate may conclude that the person
2 spoke with personal knowledge of the information.

3 (b) If the person is unnamed, affirmative allegations from
4 which the judge or district magistrate may conclude that the person
5 spoke with personal knowledge of the information and either that
6 the unnamed person is credible or that the information is reliable.

7 **(2) EVIDENCE OBTAINED IN VIOLATION OF SUBSECTION (1) OR**
8 **OBTAINED AS A RESULT OF A VIOLATION OF SUBSECTION (1) IS**
9 **INADMISSIBLE IN ANY CRIMINAL PROSECUTION. HOWEVER, THAT EVIDENCE**
10 **MAY BE USED TO REVOKE PAROLE OR PROBATION OR TO IMPEACH A**
11 **DEFENDANT'S TESTIMONY AS OTHERWISE PROVIDED BY LAW.**

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.