

# SENATE BILL NO. 794

February 18, 2020, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

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~~**must** be based upon all the

1 facts related within the affidavit made before him or her. The  
2 affidavit may be based upon information supplied to the complainant  
3 by a named or unnamed person if the affidavit contains 1 of the  
4 following:

5 (a) If the person is named, affirmative allegations from which  
6 the judge or district court magistrate may conclude that the person  
7 spoke with personal knowledge of the information.

8 (b) If the person is unnamed, affirmative allegations from  
9 which the judge or district magistrate may conclude that the person  
10 spoke with personal knowledge of the information and either that  
11 the unnamed person is credible or that the information is reliable.

12 **(2) Evidence obtained in violation of subsection (1) or**  
13 **obtained as a result of a violation of subsection (1) is**  
14 **inadmissible in any criminal prosecution. However, that evidence**  
15 **may be used to revoke parole or probation or to impeach a**  
16 **defendant's testimony as otherwise provided by law.**

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