



Senate Fiscal Agency
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Senate Bill 479 (as introduced 5-25-21)
Sponsor: Senator Erika Geiss
Committee: Judiciary and Public Safety

Date Completed: 5-26-21

CONTENT

The bill would amend Public Act 189 of 1966, which establishes procedures for search warrants, to do the following:

- **Require a warrant to state whether the officer executing the warrant could enter the house or building or other location or place to be searched by force as described in the bill.**
- **Require officers present at a location to determine if entry without first knocking and announcing their presence and purpose was necessary under the circumstances upon arrival.**
- **Modify a provision allowing an officer to break any outer or inner door or window of a house or building to execute a warrant to require the officer to first announce his or her authority and purpose.**
- **Require an officer executing a warrant to be in uniform or otherwise be clearly recognizable as a law enforcement officer.**
- **Prohibit the use of a flash bang, stun, or similar distraction device in executing a warrant unless exigent circumstances existed justifying the use of the distraction device.**

Section 4 of the Act requires a search warrant to be directed to the sheriff or a peace officer, commanding the sheriff or peace officer to search the house, building, or other location or place, where the person, property, or thing for which the sheriff or peace officer is required to search is believed to be concealed. Each warrant must designate and describe the house or building or other location or place to be searched and the property or thing to be seized. The warrant must either state the grounds or the probable or reasonable cause for its issuance or must have attached to it a copy of the affidavit.

Under the bill, the warrant would have to state whether the officer executing the warrant could enter the house or building or other location or place to be searched by force as described in Section 6 (described below). If entry by force were authorized, the warrant would have to state the basis on which use of force was deemed necessary. The warrant also would have to require officers present at the location of the house or building or other location or place to be searched to determine whether entry without first knocking and announcing the officers' presence and purpose was necessary under the circumstances upon arrival.

Section 6 of the Act allows an officer to whom a warrant is directed, or a person assisting the officer, to break an outer or inner door or window of a house or building, or anything therein, in order to execute the warrant if, after notice of the officer's authority and purpose, the

officer is refused admittance, or when necessary to liberate the officer or a person assisting the officer in execution of the warrant.

Instead, under the bill, if a warrant authorized entry by force under Section 4, before an officer to whom a warrant was directed, or any person assisting the officer, could break any outer or inner door or window of a house or building, or anything therein, in order to execute the warrant, the officer would have to provide notice of his or her authority and purpose. If, after the officer provided notice of his or her authority and purpose, he or she were refused admittance, the officer could break an outer or inner door or window of a house or building, or anything therein, in order to execute the warrant, or when as necessary to liberate himself or herself or any person assisting him the officer in execution of the warrant. An officer engaged in executing a search warrant would have to be in uniform or otherwise be clearly recognizable as a law enforcement officer.

Unless exigent circumstances existed justifying the use of a distraction device, the use of a flash bang, stun, or similar distraction device in executing a warrant would be prohibited.

MCL 780.654 & 780.656

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local law enforcement. The bill would amend requirements for law enforcement procedures related to the execution of warrants, which could result in additional investigations and training requirements for MCOLES and State and local law enforcement agencies.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.