

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

Senate Bill 782

Sponsor: Senator Doug Cruce

Committee: Criminal Justice and Urban Affairs

Date Completed: 9-10-90

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SUMMARY OF SENATE BILL 782 as introduced 2-6-90:

The bill would amend the Code of Criminal Procedure to specify that evidence that otherwise was admissible in a criminal proceeding could not be suppressed if the evidence were seized by a law enforcement officer or governmental official pursuant to a search warrant, unless the court found that one or more of the following occurred:

- In issuing the search warrant, the magistrate was misled by information in the affidavit that the affiant knew was false, or would have known was false if not for his or her reckless disregard of the truth, and without that information there would not have been probable cause for issuance of the warrant.
- In issuing the search warrant, the magistrate "wholly abandoned his or her judicial role...under such circumstances that any reasonably well-trained officer or official could not rely on the search warrant".
- The affidavit on which the search warrant was based was "so lacking in probable cause that belief in the existence of probable cause by the affiant was entirely unreasonable".
- The search warrant was "so facially deficient" that government officials or law enforcement officers "could not reasonably presume the search warrant was valid".

Proposed MCL 768.27a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: F. Sanchez

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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.

S.B. 782 (9-10-90)