

Act No. 41
Public Acts of 1990
Approved by the Governor
March 29, 1990
Filed with the Secretary of State
March 29, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Van Regenmorter, Nye, DeMars, Stupak, Fitzgerald, Bandstra, Strand, Ciaramitaro, London, Gubow and Maynard
Reps. Allen, Bankes, Barns, Bartnik, Bender, Willis Bullard, Camp, DeBeaussaert, DeLange, Dolan, Dunaskiss, Emmons, Gagliardi, Giese, Gilmer, Gnodtke, Hoekman, Hoffman, Hunter, Jaye, Knight, Krause, Kulchitsky, Law, Martin, Miller, Muxlow, O'Connor, Ostling, Palamara, Porreca, Profit, Runco, Spaniola, Stacey, Stallworth, Trim, Varga, Wartner and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 4483

AN ACT to amend section 1 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended by Act No. 506 of the Public Acts of 1980, being section 764.1 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of chapter IV of Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, being section 764.1 of the Michigan Compiled Laws, is amended to read as follows:

CHAPTER IV.

Sec. 1. (1) For the apprehension of persons charged with a felony, misdemeanor, or ordinance violation, a magistrate may issue processes to implement this chapter, except that a 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 magistrate and, except as otherwise provided in this act, the authorization is signed by the prosecuting attorney, or unless security for costs is filed with the magistrate.

(2) A magistrate shall not issue a warrant for a minor offense unless an authorization in writing allowing the issuance of the warrant is filed with the magistrate and signed by the prosecuting attorney, or unless security for costs is filed with the magistrate, except if the warrant is requested by any of the following officials for the following offenses:

(a) Agents of the state transportation department, a county road commission, or the public service commission for violations of the motor carrier act, Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.20 of the Michigan Compiled Laws, or the motor carrier safety act of 1963, Act No. 181 of the Public Acts of 1963, as amended, being sections 480.11 to 480.21 of the Michigan Compiled Laws, the enforcement of which has been delegated to them.

(b) The director of the department of natural resources, or a special assistant or conservation officer appointed by the director and declared by statute to be a peace officer, for a violation of a law which provides for the protection of wild game or fish.

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

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

(b) The judge orally administers the oath or affirmation to an applicant for an arrest warrant who submits a complaint under this subsection.

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

(4) The person or department receiving an electronically or electromagnetically issued arrest warrant shall receive proof that the issuing judge has signed the warrant before the warrant is executed. Proof that the issuing judge has signed the warrant may consist of an electronically or electromagnetically transmitted facsimile of the signed warrant.

(5) The state court administrator shall establish paper quality and durability standards for warrants issued under this section.

Section 2. This amendatory act shall not take effect unless House Bill No. 4486 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.