

Act No. 43
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, Stupak, DeMars, Fitzgerald, Bandstra, Strand, Ciaramitaro, London, Gubow and Maynard
Reps. Allen, Banks, 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. 4484

AN ACT to amend section 1 of Act No. 189 of the Public Acts of 1966, 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," being section 780.651 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of Act No. 189 of the Public Acts of 1966, being section 780.651 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1. (1) When an affidavit is made on oath to a magistrate authorized to issue warrants in criminal cases, and the affidavit establishes grounds for issuing a warrant pursuant to this act, the magistrate, if he or she is satisfied that there is probable cause for the search, shall issue a warrant to search the house, building, or other location or place where the property or thing to be searched for and seized is situated.

(2) An affidavit for a search warrant may be made by any electronic or electromagnetic means of communication if both of the following occur:

(a) The judge or district court magistrate orally administers the oath or affirmation to an applicant for a search warrant who submits an affidavit under this subsection.

(b) The affiant signs the affidavit. Proof that the affiant has signed the affidavit may consist of an electronically or electromagnetically transmitted facsimile of the signed affidavit.

(3) A judge may issue a written search warrant in person or by any electronic or electromagnetic means of communication. If a court order required pursuant to section 625a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.625a of the Michigan Compiled Laws, is issued as a search warrant, the written search warrant may be issued in person or by any electronic or electromagnetic means of communication by a judge or by a district court magistrate.

(4) The peace officer or department receiving an electronically or electromagnetically issued search warrant shall receive proof that the issuing judge or district court magistrate has signed the warrant before the warrant is executed. Proof that the issuing judge or district court magistrate 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.

(6) If an oath or affirmation is orally administered by electronic or electromagnetic means of communication under this section, the oath or affirmation is considered to be administered before the judge or district court magistrate.

(7) If an affidavit for a search warrant is submitted by electronic or electromagnetic means of communication, or a search warrant is issued by electronic or electromagnetic means of communication, the transmitted copies of the affidavit or search warrant are duplicate originals of the affidavit or search warrant and are not required to contain an impression made by an impression seal.

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.