

HOUSE BILL No. 4483

March 21, 1989, Introduced by Reps. Van Regenmorter, Nye, DeMars, Stupak, Fitzgerald, Bandstra, Strand, Ciaramitaro, London, Gubow and Maynard and referred to the Committee on Judiciary.

A bill to amend section 1 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," 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:

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

5 CHAPTER IV.

6 Sec. 1. (1) For the apprehension of persons charged with a
7 felony, misdemeanor, or ordinance violation, a magistrate may
8 issue processes to implement this chapter, except that a
9 magistrate shall not issue ~~warrants~~ A WARRANT for other than A

1 minor ~~offenses until~~ OFFENSE UNLESS an ~~order~~ AUTHORIZATION in
2 writing allowing the issuance of the warrant is filed with the
3 magistrate and, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE
4 AUTHORIZATION IS signed by the prosecuting attorney, or unless
5 security for costs is filed with the magistrate.

6 (2) A magistrate shall not issue a warrant for a minor
7 offense ~~until~~ UNLESS an ~~order~~ AUTHORIZATION in writing allow-
8 ing the issuance of the warrant is filed with the magistrate and
9 signed by the prosecuting attorney, or unless security for costs
10 is filed with the magistrate, except ~~where~~ IF the warrant is
11 requested by any of the following officials for the following
12 offenses:

13 (a) Agents of the state transportation department, a county
14 road commission, or the public service commission for violations
15 of THE MOTOR CARRIER ACT, Act No. 254 of the Public Acts of 1933,
16 as amended, being sections 475.1 to ~~479.49~~ 479.20 of the
17 Michigan Compiled Laws, or THE MOTOR CARRIER SAFETY ACT OF 1963,
18 Act No. 181 of the Public Acts of 1963, as amended, being sec-
19 tions 480.11 to ~~480.19~~ 480.21 of the Michigan Compiled Laws,
20 the enforcement of which has been delegated to them.

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

1 (3) A COMPLAINT FOR AN ARREST WARRANT MAY BE MADE BY ANY
2 ELECTRONIC OR ELECTROMAGNETIC MEANS OF COMMUNICATION IF ALL OF
3 THE FOLLOWING OCCUR:

4 (A) THE PROSECUTING ATTORNEY AUTHORIZES THE ISSUANCE OF THE
5 WARRANT. AUTHORIZATION MAY CONSIST OF AN ELECTRONICALLY OR ELEC-
6 TROMAGNETICALLY TRANSMITTED FACSIMILE OF THE SIGNED AUTHORIZA-
7 TION, OR VERIFICATION BY A SYSTEM APPROVED BY THE STATE COURT
8 ADMINISTRATOR.

9 (B) THE MAGISTRATE ORALLY ADMINISTERS THE OATH OR AFFIRMA-
10 TION TO AN APPLICANT FOR AN ARREST WARRANT WHO SUBMITS A COM-
11 PLAINT UNDER THIS SUBSECTION.

12 (C) THE APPLICANT SIGNS THE COMPLAINT. PROOF THAT THE
13 APPLICANT HAS SIGNED THE COMPLAINT MAY CONSIST OF AN ELECTRONI-
14 CALLY OR ELECTROMAGNETICALLY TRANSMITTED FACSIMILE OF THE SIGNED
15 COMPLAINT, OR VERIFICATION BY A SYSTEM APPROVED BY THE STATE
16 COURT ADMINISTRATOR.

17 (4) A MAGISTRATE MAY ISSUE AN ARREST WARRANT IN PERSON OR BY
18 ANY ELECTRONIC OR ELECTROMAGNETIC MEANS OF COMMUNICATION.

19 (5) THE PERSON OR DEPARTMENT RECEIVING AN ELECTRONICALLY OR
20 ELECTROMAGNETICALLY ISSUED ARREST WARRANT SHALL RECEIVE PROOF
21 THAT THE ISSUING MAGISTRATE HAS SIGNED THE WARRANT BEFORE THE
22 WARRANT IS EXECUTED. PROOF THAT THE ISSUING MAGISTRATE HAS
23 SIGNED THE WARRANT MAY CONSIST OF AN ELECTRONICALLY OR ELECTRO-
24 MAGNETICALLY TRANSMITTED FACSIMILE OF THE SIGNED WARRANT, OR VER-
25 IFICATION BY A SYSTEM APPROVED BY THE STATE COURT ADMINISTRATOR.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4486 (request
3 no. 01598'89 c **) of the 85th Legislature is enacted into law.