

HOUSE BILL No. 4500

March 22, 1989, Introduced by Reps. Fitzgerald, Crandall, Gnodtke, Runco, Bender, Randall, Giese, Strand, Jaye, Emmons, Law, Hoffman, London, Ouwinga, Hillegonds, Krause, Willis Bullard, Stupak, Stacey, Bankes and Weeks and referred to the Committee on Judiciary.

A bill to amend section 6 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 780.656 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 189 of the Public Acts of
2 1966, being section 780.656 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 6. The officer to whom a warrant is directed, or any
5 person assisting him OR HER, may break any outer or inner door or
6 window of a house or building, ANY PART OF THE HOUSE OR BUILDING,
7 or anything ~~therein~~ in THE HOUSE OR BUILDING, UNDER ANY OF THE
8 FOLLOWING CIRCUMSTANCES:

1 (A) IN order to execute the warrant, if, after notice of
2 ~~his~~ THE OFFICER'S authority and purpose, ~~he~~ THE OFFICER is
3 refused admittance. ~~, or when~~

4 (B) IN ORDER TO EXECUTE THE WARRANT, WITHOUT GIVING NOTICE
5 OF THE OFFICER'S AUTHORITY AND PURPOSE, IF THE MAGISTRATE ISSUING
6 THE WARRANT HAS INCLUDED IN THE WARRANT A DIRECTION THAT THE
7 OFFICER EXECUTING THE WARRANT IS NOT REQUIRED TO GIVE NOTICE OF
8 AUTHORITY AND PURPOSE. THE MAGISTRATE MAY DIRECT THAT NOTICE OF
9 AUTHORITY AND PURPOSE NEED NOT BE GIVEN UPON PROOF UNDER OATH TO
10 HIS OR HER SATISFACTION THAT THE PROPERTY SOUGHT MAY EASILY OR
11 QUICKLY BE DESTROYED OR DISPOSED OF, OR THAT DANGER TO THE LIFE
12 AND LIMB OF THE OFFICER OR ANOTHER MAY RESULT, IF SUCH NOTICE IS
13 GIVEN. AN OFFICER ACTING PURSUANT TO A WARRANT ISSUED UNDER THIS
14 SUBDIVISION, AS SOON AS PRACTICABLE AFTER ENTERING THE HOUSE OR
15 BUILDING DESCRIBED IN THE WARRANT, SHALL IDENTIFY HIMSELF OR HER-
16 SELF AND STATE THE PURPOSE OF, AND AUTHORITY FOR, ENTERING THE
17 HOUSE OR BUILDING.

18 (C) IF necessary to liberate himself OR HERSELF or any
19 person assisting him OR HER in execution of the warrant.