

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5270

(As passed the House, February 28, 2002)

A bill to amend 1966 PA 189, 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,"

by amending section 1 (MCL 780.651), as amended by 1990 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

8 (3) A judge may issue a written search warrant in person or
9 by any electronic or electromagnetic means of communication. If
10 a court order required pursuant to section 625a of the Michigan
11 vehicle code, ~~Act No. 300 of the Public Acts of 1949, being sec-~~
12 ~~tion 257.625a of the Michigan Compiled Laws~~ 1949 PA 300,
13 MCL 257.625A, is issued as a search warrant, the written search
14 warrant may be issued in person or by any electronic or electro-
15 magnetic means of communication by a judge or by a district court
16 magistrate.

17 (4) The peace officer or department receiving an electroni-
18 cally or electromagnetically issued search warrant shall receive
19 proof that the issuing judge or district court magistrate has
20 signed the warrant before the warrant is executed. Proof that
21 the issuing judge or district court magistrate has signed the
22 warrant may consist of an electronically or electromagnetically
23 transmitted facsimile of the signed warrant.

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

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

5 (7) If an affidavit for a search warrant is submitted by
6 electronic or electromagnetic means of communication, or a search
7 warrant is issued by electronic or electromagnetic means of com-
8 munication, the transmitted copies of the affidavit or search
9 warrant are duplicate originals of the affidavit or search war-
10 rant and are not required to contain an impression made by an
11 impression seal.

12 (8) A SEARCH WARRANT, AFFIDAVIT, OR TABULATION CONTAINED IN
13 ANY COURT FILE OR RECORD RETENTION SYSTEM IS NONPUBLIC
14 INFORMATION.

15 Enacting section 1. This amendatory act takes effect April 22,
16 2002.