

# SENATE BILL No. 1263

May 25, 2004, Introduced by Senator SANBORN and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 1 of chapter IV (MCL 764.1), as amended by  
1990 PA 41.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER IV

1  
2       Sec. 1. (1) For the apprehension of persons charged with a  
3 felony, misdemeanor, or ordinance violation, a magistrate may  
4 issue processes to implement this chapter, except that a  
5 magistrate shall not issue a warrant for other than a minor  
6 offense unless an authorization in writing allowing the issuance  
7 of the warrant is filed with the magistrate and, except as  
8 otherwise provided in this act, the authorization is signed by  
9 the prosecuting attorney, or unless security for costs is filed  
10 with the magistrate.

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

7 (a) Agents of the state transportation department, a county  
8 road commission, or the public service commission for violations  
9 of the motor carrier act, ~~Act No. 254 of the Public Acts of~~  
10 ~~1933, as amended, being sections 475.1 to 479.20 of the Michigan~~  
11 ~~Compiled Laws~~ **1933 PA 254, MCL 475.1 to 479.43**, or the motor  
12 carrier safety act of 1963, ~~Act No. 181 of the Public Acts of~~  
13 ~~1963, as amended, being sections 480.11 to 480.21 of the Michigan~~  
14 ~~Compiled Laws~~ **1963 PA 181, MCL 480.11 to 480.22**, the enforcement  
15 of which has been delegated to them.

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

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

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

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

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

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

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