

HOUSE BILL No. 5260

September 20, 2007, Introduced by Reps. Constan, Condino, Vagnozzi, Virgil Smith, Robert Jones, Clack and Gonzales and referred to the Committee on Judiciary.

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,"

(MCL 780.651 to 780.659) by adding section 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2B. THE FOLLOWING CONDITIONS APPLY TO THE APPLICATION FOR
2 AND THE ISSUANCE OF A WARRANT UNDER THIS ACT FOR THE ELECTRONIC
3 INTERCEPTION OR ELECTRONIC RECORDING OF A COMMUNICATION MADE BY ANY
4 INDIVIDUAL:

5 (A) SUBJECT TO SUBDIVISIONS (B) AND (C), THE AGENCY OR
6 DEPARTMENT REQUESTING ISSUANCE OF THE WARRANT MAY SUBMIT ITS
7 APPLICATION TO ANY DISTRICT OR MUNICIPAL COURT JUDGE HAVING

1 JURISDICTION, AND THAT DISTRICT OR MUNICIPAL COURT JUDGE MAY
2 AUTHORIZE THE ISSUANCE OF THE WARRANT IN THE MANNER PROVIDED IN
3 THIS ACT.

4 (B) IF THE INDIVIDUAL IS KNOWN BY THE AGENCY OR DEPARTMENT
5 REQUESTING ISSUANCE OF THE WARRANT TO BE THE SUBJECT OF AN
6 INVESTIGATION IN A CRIMINAL CASE PENDING BEFORE THE DISTRICT COURT
7 OR A MUNICIPAL COURT HAVING JURISDICTIONAL AUTHORITY TO ISSUE THE
8 WARRANT, THAT AGENCY OR DEPARTMENT SHALL SUBMIT ITS APPLICATION FOR
9 THE WARRANT ONLY TO THE DISTRICT OR MUNICIPAL COURT JUDGE ASSIGNED
10 TO THAT CASE OR, IF A JUDGE HAS NOT BEEN ASSIGNED TO THE CASE, THE
11 CHIEF JUDGE OF THAT DISTRICT OR MUNICIPAL COURT. ONLY THE DISTRICT
12 OR MUNICIPAL COURT JUDGE ASSIGNED TO THE CRIMINAL CASE OR, IF A
13 JUDGE HAS NOT BEEN ASSIGNED TO THE CASE, THE CHIEF JUDGE OF THAT
14 DISTRICT OR MUNICIPAL COURT SHALL ISSUE A WARRANT FOR THE REQUEST
15 SUBMITTED UNDER THIS SUBDIVISION.

16 (C) IF THE INDIVIDUAL IS KNOWN BY THE AGENCY OR DEPARTMENT
17 REQUESTING ISSUANCE OF THE WARRANT TO BE THE SUBJECT OF AN
18 INVESTIGATION IN A CRIMINAL CASE PENDING BEFORE THE CIRCUIT COURT
19 HAVING JURISDICTIONAL AUTHORITY TO ISSUE THE WARRANT, THAT AGENCY
20 OR DEPARTMENT SHALL SUBMIT ITS APPLICATION FOR THE WARRANT ONLY TO
21 THE CIRCUIT COURT JUDGE ASSIGNED TO THAT CASE OR, IF A JUDGE HAS
22 NOT BEEN ASSIGNED TO THE CASE, THE CHIEF JUDGE OF THAT CIRCUIT
23 COURT. ONLY THE CIRCUIT COURT JUDGE ASSIGNED TO THE CRIMINAL CASE
24 OR, IF A JUDGE HAS NOT BEEN ASSIGNED TO THE CASE, THE CHIEF JUDGE
25 OF THAT CIRCUIT COURT SHALL ISSUE A WARRANT FOR THE REQUEST
26 SUBMITTED UNDER THIS SUBDIVISION.