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BILL ANALYSIS

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House Bill 4096 (as passed by the House)  
Sponsor: Representative Richard LeBlanc  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 3-30-09

### **CONTENT**

The bill would amend Public Act 189 of 1966, which regulates the issuance of search warrants, to allow a warrant to be issued to search for and seize a person who is the subject of either of the following:

- An arrest warrant for the apprehension of a person charged with a crime.
- A bench warrant issued in a criminal case.

Under the Act, when an affidavit is made on oath to a magistrate authorized to issue warrants in criminal cases, the affidavit establishes grounds for issuing a warrant, and the magistrate is satisfied that there is probable cause for the search, the magistrate must issue a warrant to search the house, building, or other location or place where the property or thing to be searched for is situated. The bill would refer to the house, building, or other location or place where the person, property, or thing to be searched for and seized is situated.

In addition, the Act requires a search warrant to be directed to a law enforcement officer to search the house, building, or other location or place where any property or other thing for which the officer is required to search is believed to be concealed. The bill would refer to the person as well as the property or thing.

MCL 780.651 et al.

### **BACKGROUND**

In a 1981 opinion, *Steagald v United States* (451 U.S. 204), the United States Supreme Court ruled that an arrest warrant does not allow law enforcement officers to enter the home of a third party to arrest the person named in the warrant. Although an arrest warrant alone is sufficient to authorize entry into the home of the person named in the warrant, the police must have a search warrant to enter premises owned by a third party unless that person consents to the search or exigent circumstances exist (e.g., immediate entry is necessary to prevent harm to the officers or other people, or to prevent the destruction of evidence).

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.