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SEARCH WARRANTS: ELECTRONIC TRANSMISSION AND SIGNATURES

House Bill 4715
Sponsor: Rep. Mike Nofs
Committee: Criminal Justice

Complete to 6-9-03

A SUMMARY OF HOUSE BILL 4715 AS INTRODUCED 5-21-03

The bill would amend Public Act 189 of 1966, which deals with search warrants, in the following ways.

- A district court magistrate would be allowed to issue a written search warrant by any electronic or electromagnetic means of communication just as a judge can at present (in addition to issuing the warrant in person). Currently, it appears that a district court magistrate can only use electronic means of issuing a warrant in cases involving drunk driving offenses.
- The bill would specify that electronic or electromagnetic means of communication, in the context of making affidavits for warrants or for issuing warrants, would include transmission by facsimile or over a computer network.
- The act currently says that proof that an affiant has signed an affidavit or that a judge or magistrate has signed a warrant can consist of an electronically or electromagnetically transmitted facsimile of the signed affidavit or signed warrant. The bill would also specifically permit an electronic signature on an affidavit transmitted over a computer network or an electronic signature on a warrant transmitted over a computer network.

The bill also would delete two provisions: one that applies only to search warrants in drunk driving cases; and a second that allows the state court administrator to establish paper quality and durability standards for warrants.

MCL 780.651

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.