

HOUSE BILL No. 5246

January 23, 2014, Introduced by Reps. Rogers, Schor, Pettalia, Lyons, Zorn, Kesto, Poleski, Lori, Haveman, Haugh, Crawford, McCready, Glardon, Victory, Kelly, Haines, Geiss, Heise, Kurtz, LaFontaine, Jacobsen, Lauwers, Price, O'Brien and Kosowski 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 2004
PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IV

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

1 unless security for costs is filed with the magistrate.

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

8 (a) Agents of the state transportation department, a county
9 road commission, or the public service commission for violations of
10 the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, or the
11 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to
12 ~~480.22, 480.25~~, the enforcement of which has been delegated to
13 them.

14 (b) The director of the department of natural resources, or a
15 special assistant or conservation officer appointed by the director
16 **OF THE DEPARTMENT OF NATURAL RESOURCES** and declared by statute to
17 be a peace officer, for a violation of a law that provides for the
18 protection of wild game or fish.

19 (3) A complaint for an arrest warrant may be made by
20 **ELECTRONIC VIDEO, OR** any electronic or electromagnetic means of
21 communication, if all of the following occur:

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

26 (b) The judge orally administers the oath or affirmation to an
27 applicant for an arrest warrant, **IN PERSON OR BY MEANS OF**

1 **ELECTRONIC VIDEO**, who submits a complaint under this subsection.

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

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