

HOUSE BILL NO. 5013

June 15, 2021, Introduced by Reps. Yancey, Aiyash, Hood, Cavanagh, Scott, Puri, Brabec, Steckloff, Stone, O'Neal, Hertel, Sowerby, Rogers, Neeley, Brenda Carter, Thanedar, Weiss, Cynthia Johnson, Young, Whitsett, Brixie, Rabhi, Kuppa and Jones and referred to the Committee on Government Operations.

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,"

by amending section 6 (MCL 780.656) and by adding section 6a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. ~~The officer to whom a warrant is directed, or any~~
2 ~~person assisting him, may break any outer or inner door or window~~
3 ~~of a house or building, or anything therein, in order to execute~~
4 ~~the warrant, if, after notice of his authority and purpose, he is~~

1 ~~refused admittance, or when necessary to liberate himself or any~~
2 ~~person assisting him in execution of the warrant.~~

3 (1) A search warrant may be executed only within the period
4 and at the times authorized by the warrant and only by a law
5 enforcement officer. A law enforcement officer charged with the
6 execution of a warrant may be accompanied by any other individuals
7 who may be reasonably necessary for the safe and successful
8 execution of the warrant.

9 (2) Before entering the premises, the law enforcement officer
10 executing a search warrant shall do all of the following:

11 (a) Physically knock on an entry door to the premises in a
12 manner and duration that can be heard by the occupants.

13 (b) Clearly announce in a manner that can be heard by the
14 occupants that law enforcement is executing a search warrant.

15 (c) Wait a minimum of 10 seconds or for a reasonable amount of
16 time for occupants to respond, whichever is greater, before
17 entering the premises.

18 (3) A law enforcement officer executing a search warrant shall
19 not make forcible entry into the premises to be searched without a
20 warrant specifically authorizing forcible entry.

21 (4) Before undertaking any search or seizure pursuant to a
22 search warrant, the law enforcement officer shall read and give a
23 copy of the warrant to the person to be searched, or to the person
24 in apparent control of the premises or property to be searched. If
25 the premises are unoccupied or there is no one in apparent control,
26 the law enforcement officer shall leave a copy of the warrant
27 suitably affixed to the premises.

28 (5) A law enforcement officer shall not seek, execute, or
29 participate in the execution of a search warrant that does not

1 require the persons executing the warrant to knock and announce
2 themselves and their purpose.

3 Sec. 6a. (1) All law enforcement officers present in the
4 execution of a search warrant must be equipped with an operating
5 body-worn camera.

6 (2) Each law enforcement officer shall activate his or her
7 body-worn camera no later than 5 minutes before the execution of
8 the search warrant, and shall not deactivate the body-worn camera
9 earlier than 5 minutes after the completion of the execution of the
10 search warrant.