

SUBSTITUTE FOR

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:

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 unless security for costs is filed with the magistrate.

(2) A magistrate shall not issue a warrant for a minor offense

1 unless an authorization in writing allowing the issuance of the
2 warrant is filed with the magistrate and signed by the prosecuting
3 attorney, or unless security for costs is filed with the
4 magistrate, except if the warrant is requested by any of the
5 following officials for the following offenses:

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

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

17 (3) A complaint for an arrest warrant may be made by any
18 electronic or electromagnetic means of communication, if all of the
19 following occur:

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

24 (b) The judge **OR DISTRICT COURT MAGISTRATE** orally administers
25 the oath or affirmation to an applicant for an arrest warrant, **IN**
26 **PERSON OR BY ANY ELECTRONIC OR ELECTROMAGNETIC MEANS OF**
27 **COMMUNICATION**, who submits a complaint under this subsection.

House Bill No. 5246 (H-2) as amended June 3, 2014

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

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

[Enacting section 1. This amendatory act takes effect 90 days after
the date it is enacted into law.]