



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1094 (Substitute S-1 as reported)
Sponsor: Senator Erika Geiss
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would modify Public Act 198 of 1966, which governs search warrant procedures, to do the following:

- Require a law enforcement officer or an individual assisting the officer to wait a reasonable amount of time after announcing identity before attempting forceable entry into a house or building upon execution of a search warrant.
- Prescribe circumstances under which an officer executing a search warrant could forcibly enter a house or building without announcing identity and purpose and waiting a reasonable amount of time.
- Require an officer who knew of the existence of a circumstance allowing forcible entry without announcement while requesting a search warrant to include such information and to seek authority to enter without first announcing identity and purpose and waiting a reasonable period of time.
- Require an officer seeking approval to execute a search warrant without first announcing identity and purpose and waiting a reasonable period of time to include specified information in the request, such as a list of all known occupants of the location.
- Unless a different time was requested and authorized, require an officer who had approval to execute a search warrant without announcing identity and purpose and waiting a reasonable amount of time to execute the warrant between 8 AM and 6 PM.
- Require an officer engaged in forcible entry during the execution of a search warrant to be in uniform or otherwise recognizable as an officer.

MCL 780.656

Legislative Analyst: Eleni Lionas

BRIEF RATIONALE

The Act allows an officer executing a search warrant to use forcible entry under certain conditions. Instances in which the officer forcibly enters without announcement of identity or purpose are known as no-knock warrants. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, no-knock warrants can create unnecessarily dangerous situations for the occupants of a building and law enforcement officers and should only be used in specific situations. It has been suggested to limit the circumstances surrounding how and when a no-knock warrant could be used by an officer.

FISCAL IMPACT

The bill would result in a minimal fiscal impact on State and local law enforcement agencies, requiring the Michigan Commission on Law Enforcement Standards and local law enforcement agencies to provide training to law enforcement officers on the new procedural requirements proposed under the bill.

Date Completed: 12-10-24

Fiscal Analyst: Bruce R. Baker

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Bill Analysis @ www.senate.michigan.gov/sfa

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