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Senate Bill 1094 (as introduced 11-13-24)
Sponsor: Senator Erika Geiss
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-3-24

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 him or herself 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.**

The Act allows an officer to whom a search warrant is directed, or any person assisting the officer, to break any outer or inner door or window of a house or building, or anything inside, to execute the warrant upon refusal of admittance after the officer or individual gave notice of authority and purpose, or when necessary for liberation. The bill would modify this provision as described below.

Instead, under the bill, unless forcible entry was permitted as described below, the law enforcement officer to whom the warrant was directed, or any individual assisting the officer, would have to announce the law enforcement officer's identity and purpose, and wait a reasonable amount of time before attempting forceable entry into a house or building upon execution of a warrant. If, after announcing identity and purpose and allowing a reasonable period of time to elapse, the officer were refused admittance, the officer could break any outer or inner door or window of a house or building, or anything inside, to execute the warrant or if necessary to liberate the officer or any individual assisting the officer in execution of the warrant.

"Reasonable period of time" would mean a period of time that, under the totality of the circumstances known to the law enforcement officer, reasonably affords an occupant of the dwelling or building an opportunity to grant admittance to the law enforcement officer, taking into account the period of time it would take an occupant to destroy evidence.

Entry into a house or building without first announcing identity and purpose and waiting a reasonable period of time would be permitted if the law enforcement officer to whom a warrant were directed had reasonable cause to believe at least one of the following circumstances applied:

- There existed imminent danger to the life of the executing law enforcement officer or another individual.
- Evidence indicated that an individual present at the location where the warrant was to be executed was aware that law enforcement officers were at the location.
- Announcing identity and purpose of the law enforcement officer before entering would inhibit the investigation of a crime.

If at the time of presenting the affidavit and application for a warrant to the judge or district court magistrate, the law enforcement officer possessed knowledge that at least one of the or more of the circumstances described above existed at the location to be searched, the law enforcement officer would have to include the information in the affidavit and would have to seek authorization to enter without first announcing identity and purpose and waiting a reasonable period of time. If an officer sought such authorization, the law enforcement officer also would have to include in the affidavit, to the extent known, all the following:

- A list of all known occupants of the location to be searched.
- Notation of any potential disabilities of known occupants of the location.
- Notation of pets that could occupy the location.

If authorization for entry without first announcing identity and purpose and waiting a reasonable period of time were sought, unless execution during a different period of time was requested in the warrant application and authorized in the warrant, entry without first announcing identity and purpose and waiting a reasonable period of time could only be made between the hours of 8 AM and 6 PM.

A law enforcement officer engaged in the forcible entry of a dwelling or building during the execution of a warrant would have to be in uniform or otherwise be clearly recognizable as a law enforcement officer.

MCL 780.656

Legislative Analyst: Eleni Lionas

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.

Fiscal Analyst: Bruce R. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.