

**SUBSTITUTE FOR
SENATE BILL NO. 1094**

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).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) ~~The~~ **Except as otherwise provided in subsection (3)**
2 **or (4), the law enforcement** officer to whom a warrant is directed,
3 **or any person** ~~individual~~ assisting him, ~~the law enforcement~~
4 **officer, shall announce the law enforcement officer's identity and**
5 **purpose, and wait a reasonable period of time before attempting**
6 **forcible entry into a house or building when executing a warrant.**
7 (2) If after announcing identity and purpose and allowing the



1 reasonable period of time to elapse as required under subsection
 2 (1), the law enforcement officer is not granted admittance the law
 3 enforcement officer may break any outer or inner door or window of
 4 a house or building, or anything therein, in order to execute the
 5 warrant, ~~if, after notice of his authority and purpose, he is~~
 6 ~~refused admittance, or when~~ or if necessary to liberate himself ~~the~~
 7 law enforcement officer or any ~~person~~ individual assisting him ~~the~~
 8 law enforcement officer in execution of the warrant.

9 (3) Entry into a house or building without first announcing
 10 identity and purpose and waiting a reasonable period of time is
 11 permitted if the law enforcement officer to whom a warrant is
 12 directed has reasonable cause to believe 1 or more of the following
 13 circumstances apply:

14 (a) There exists imminent danger to the life of the executing
 15 law enforcement officer or another individual.

16 (b) Evidence indicates that an individual present at the
 17 location where the warrant is to be executed is aware that law
 18 enforcement officers are at the location.

19 (c) Announcing identity and purpose of the law enforcement
 20 officer before entering would inhibit the investigation of a crime.

21 (4) If at the time of presenting the affidavit and application
 22 for a warrant to the judge or district court magistrate, the law
 23 enforcement officer possesses knowledge that 1 or more of the
 24 circumstances under subsection (3) exist at the location to be
 25 searched, the law enforcement officer shall include the information
 26 in the affidavit and shall seek authorization to enter without
 27 first announcing identity and purpose and waiting a reasonable
 28 period of time. If this subsection applies, the law enforcement
 29 officer shall also include in the affidavit, to the extent known,



1 all of the following:

2 (a) A list of all known occupants of the location to be
3 searched.

4 (b) Notation of any known disabilities of known occupants of
5 the location.

6 (c) Notation of animals known to occupy the location.

7 (5) If authorization for entry without first announcing
8 identity and purpose and waiting a reasonable period of time is
9 sought under subsection (4), unless execution during a different
10 period of time is requested in the warrant application and
11 authorized in the warrant, entry without first announcing identity
12 and purpose and waiting a reasonable period of time may only be
13 made between the hours of 8 a.m. and 6 p.m.

14 (6) A law enforcement officer engaged in the forcible entry of
15 a dwelling or building during the execution of a warrant must be in
16 uniform or otherwise be clearly recognizable as a law enforcement
17 officer.

18 (7) As used in this section "reasonable period of time" means
19 a period of time that, under the totality of the circumstances
20 known to the law enforcement officer, reasonably affords an
21 occupant of the dwelling or building an opportunity to grant
22 admittance to the law enforcement officer, taking into account the
23 period of time it would take an occupant to destroy evidence.

