

SENATE BILL NO. 1094

November 13, 2024, Introduced by Senators GEISS, CHANG, ANTHONY, MCMORROW, CAMILLERI, BAYER and IRWIN and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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~~ **Unless forcible entry is permitted under**
2 **subsection (3) or (4), the law enforcement** officer to whom a
3 warrant is directed, or any ~~person~~ **individual** assisting ~~him,~~ **the**
4 **law enforcement officer, shall announce the law enforcement**
5 **officer's identity and purpose, and wait a reasonable period of**

1 time before attempting forcible entry into a house or building when
2 executing a warrant.

3 (2) If after announcing identity and purpose and allowing the
4 reasonable period of time to elapse as required under subsection
5 (1), the law enforcement officer is refused admittance the law
6 enforcement officer may break any outer or inner door or window of
7 a house or building, or anything therein, in order to execute the
8 warrant, ~~if, after notice of his authority and purpose, he is~~
9 ~~refused admittance, or when~~ or if necessary to liberate himself ~~the~~
10 law enforcement officer or any ~~person~~ individual assisting him ~~the~~
11 law enforcement officer in execution of the warrant.

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

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

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

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

24 (4) If at the time of presenting the affidavit and application
25 for a warrant to the judge or district court magistrate, the law
26 enforcement officer possesses knowledge that 1 or more of the
27 circumstances under subsection (3) exist at the location to be
28 searched, the law enforcement officer shall include the information
29 in the affidavit and shall seek authorization to enter without

1 first announcing identity and purpose and waiting a reasonable
2 period of time. If this subsection applies, the law enforcement
3 officer shall also include in the affidavit, to the extent known,
4 all of the following:

5 (a) A list of all known occupants of the location to be
6 searched.

7 (b) Notation of any potential disabilities of known occupants
8 of the location.

9 (c) Notation of pets that may occupy the location.

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

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

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