



Senate Fiscal Agency
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House Bill 5246 (Substitute H-2 as reported without amendment)
Sponsor: Representative Bill Rogers
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter IV (Arrest) of the Code of Criminal Procedure to allow a judge's or district court magistrate's oral administration of an oath or affirmation to an applicant for an arrest warrant to be conducted in person or by any electronic or electromagnetic means of communication.

Under Chapter IV, a complaint for an arrest warrant may be made by any electronic or electromagnetic means of communication, if all of the following occur:

- The prosecuting attorney authorizes the issuance of the warrant.
- The judge orally administers the oath or affirmation to an applicant who submits a complaint for an arrest warrant.
- The applicant signs the complaint.

The prosecutor's authorization and proof of the applicant's signature may consist of an electronically or electromagnetically transmitted facsimile of the signed authorization or complaint.

Under the bill, either a judge or district court magistrate would have to orally administer the oath or affirmation to an applicant who submitted a complaint. The oath would have to be administered in person or by any electronic or electromagnetic means of communication.

In addition, under Chapter IV, the person or department receiving an electronically or electromagnetically issued arrest warrant must receive proof that the issuing judge has signed the warrant before it is executed. This proof may consist of an electronically or electromagnetically transmitted facsimile of the signed warrant. The bill would refer the issuing judge or district court magistrate in these provisions.

The bill would take effect 90 days after the date it was enacted.

MCL 764.1

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government. To the extent that allowing electronic means of oath administration in the issuance of arrest warrants could reduce travel costs and overtime expenses, there could be financial savings to local law enforcement agencies.

Date Completed: 9-17-14

Fiscal Analyst: John Maxwell