

SUBSTITUTE FOR
HOUSE BILL NO. 5246

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1 of chapter IV (MCL 764.1), as amended by 2004
PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV

2 Sec. 1. (1) For the apprehension of persons charged with a
3 felony, misdemeanor, or ordinance violation, a magistrate may issue
4 processes to implement this chapter, except that a magistrate shall
5 not issue a warrant for other than a minor offense unless an
6 authorization in writing allowing the issuance of the warrant is
7 filed with the magistrate and, except as otherwise provided in this
8 act, the authorization is signed by the prosecuting attorney, or
9 unless security for costs is filed with the magistrate.

10 (2) A magistrate shall not issue a warrant for a minor offense

1 unless an authorization in writing allowing the issuance of the
2 warrant is filed with the magistrate and signed by the prosecuting
3 attorney, or unless security for costs is filed with the
4 magistrate, except if the warrant is requested by any of the
5 following officials for the following offenses:

6 (a) Agents of the state transportation department, a county
7 road commission, or the public service commission for violations of
8 the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, or the
9 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to
10 ~~480.22,~~ **480.25**, the enforcement of which has been delegated to
11 them.

12 (b) The director of the department of natural resources, or a
13 special assistant or conservation officer appointed by the director
14 **OF THE DEPARTMENT OF NATURAL RESOURCES** and declared by statute to
15 be a peace officer, for a violation of a law that provides for the
16 protection of wild game or fish.

17 (3) A complaint for an arrest warrant may be made by any
18 electronic or electromagnetic means of communication, if all of the
19 following occur:

20 (a) The prosecuting attorney authorizes the issuance of the
21 warrant. Authorization may consist of an electronically or
22 electromagnetically transmitted facsimile of the signed
23 authorization.

24 (b) The judge **OR DISTRICT COURT MAGISTRATE** orally administers
25 the oath or affirmation to an applicant for an arrest warrant, **IN**
26 **PERSON OR BY ANY ELECTRONIC OR ELECTROMAGNETIC MEANS OF**
27 **COMMUNICATION**, who submits a complaint under this subsection.

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1 (c) The applicant signs the complaint. Proof that the
2 applicant has signed the complaint may consist of an electronically
3 or electromagnetically transmitted facsimile of the signed
4 complaint.

5 (4) The person or department receiving an electronically or
6 electromagnetically issued arrest warrant shall receive proof that
7 the issuing judge **OR DISTRICT COURT MAGISTRATE** has signed the
8 warrant before the warrant is executed. Proof that the issuing
9 judge **OR DISTRICT COURT MAGISTRATE** has signed the warrant may
10 consist of an electronically or electromagnetically transmitted
11 facsimile of the signed warrant.
 [Enacting section 1. This amendatory act takes effect 90 days after
 the date it is enacted into law.]