

SENATE BILL NO. 479

May 25, 2021, Introduced by Senators GEISS, BULLOCK, CHANG, IRWIN, MOSS, ANANICH, HOLLIER, BRINKS, WOJNO, HERTEL, POLEHANKI and BAYER and referred to the Committee on 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 sections 4 and 6 (MCL 780.654 and 780.656), section 4 as amended by 2009 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A search warrant ~~shall~~**must** be directed to the
2 sheriff or any peace officer, commanding the sheriff or peace
3 officer to search the house, building, or other location or place,
4 where the person, property, or thing for which the sheriff or peace

officer is required to search is believed to be concealed. Each warrant ~~shall~~**must** designate and describe the house or building or other location or place to be searched and the property or thing to be seized.

(2) The warrant ~~shall~~**must** either state the grounds or the probable or reasonable cause for its issuance or ~~shall~~**must** have attached to it a copy of the affidavit.

(3) **The warrant must state whether or not the officer executing the warrant may enter the house or building or other location or place to be searched by force as described in section 6. If entry by force is authorized, the warrant must state the basis on which use of force is deemed necessary.**

(4) **The warrant must also require officers present at the location of the house or building or other location or place to be searched to determine whether entry without first knocking and announcing the officers' presence and purpose is necessary under the circumstances upon arrival.**

(5) ~~(3)~~ Upon a showing that it is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness, the magistrate may order that ~~the~~**an** affidavit **that is attached to a warrant** be suppressed and not be given to the person whose property was seized or whose premises were searched until that person is charged with a crime or named as a claimant in a civil forfeiture proceeding involving evidence seized as a result of the search.

Sec. 6. (1) ~~The~~**If a warrant authorizes entry by force under section 4, before an** officer to whom a warrant is directed, or any person assisting ~~him,~~**the officer,** may break any outer or inner door or window of a house or building, or anything therein, in

1 order to execute the warrant, ~~if, after the~~ officer shall provide
2 notice of his **or her** authority and purpose. ~~7-he-If after the~~
3 **officer provides notice of his or her authority and purpose he or**
4 **she** is refused admittance, **the officer may break any outer or inner**
5 **door or window of a house or building, or anything therein, in**
6 **order to execute the warrant,** or ~~when-as~~ necessary to liberate
7 himself **or herself** or any person assisting ~~him-the~~ officer in
8 execution of the warrant.

9 (2) Any officer engaged in the execution of a search warrant
10 must be in uniform or otherwise be clearly recognizable as a law
11 enforcement officer.

12 (3) Unless exigent circumstances exist justifying the use of a
13 distraction device, the use of a flash bang, stun, or similar
14 distraction device in the execution of a warrant is prohibited.