

SUBSTITUTE FOR  
SENATE BILL NO. 845

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:**

CHAPTER IV

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

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1 the **JUDGE OR DISTRICT COURT** magistrate.

2 (2) A **JUDGE OR DISTRICT COURT** magistrate shall not issue a  
3 warrant for a minor offense unless an authorization in writing  
4 allowing the issuance of the warrant is filed with the **JUDGE OR**  
5 **DISTRICT COURT** magistrate and signed by the prosecuting attorney,  
6 or unless security for costs is filed with the **JUDGE OR DISTRICT**  
7 **COURT** magistrate, except if the warrant is requested by any of the  
8 following officials for the following offenses:

9 (a) Agents of the state transportation department, a county  
10 road commission, or the public service commission for violations of  
11 the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, or the  
12 motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to  
13 ~~480.22, 480.25~~, the enforcement of which has been delegated to  
14 them.

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

20 (3) A complaint for an arrest warrant may be made [**AND AN ARREST**  
**WARRANT MAY BE ISSUED**] by any  
21 electronic or electromagnetic means of communication **FROM ANY**  
22 **LOCATION IN THIS STATE**, if all of the following occur:

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

27 (b) The judge **OR DISTRICT COURT MAGISTRATE** orally administers

Senate Bill No. 845 as amended December 4, 2014  
as amended December 10, 2014

1 the oath or affirmation[, **IN PERSON OR BY ANY ELECTRONIC OR**  
**ELECTROMAGNETIC MEANS OF COMMUNICATION,**] to an applicant for an arrest  
warrant who

2 submits a complaint under this subsection.

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

7 (4) The person or department receiving an electronically or  
8 electromagnetically issued arrest warrant shall receive proof that  
9 the issuing judge **OR DISTRICT COURT MAGISTRATE** has signed the  
10 warrant before the warrant is executed. Proof that the issuing  
11 judge **OR DISTRICT COURT MAGISTRATE** has signed the warrant may  
12 consist of an electronically or electromagnetically transmitted  
13 facsimile of the signed warrant.

**[(5) A JUDGE OR DISTRICT COURT MAGISTRATE MAY SIGN AN  
ELECTRONICALLY OR ELECTROMAGNETICALLY ISSUED ARREST WARRANT WHEN HE OR  
SHE IS AT ANY LOCATION IN THIS STATE.]**