



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 85 (Substitute S-2 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would add Chapter VIIA to the Code of Criminal Procedure to allow prosecuting attorneys to petition the district court, circuit court, or Recorder's Court for an authorization to issue one or more subpoenas to investigate the commission of a felony. The bill would do the following:

- Provide for the confidentiality of prosecutors' applications and evidence obtained in an investigation.
- Permit a person to object to an investigative subpoena or file reasons for not complying.
- Provide that a person could have legal counsel present during an inquiry
- Allow prosecutors to file a motion for an order compelling compliance or granting immunity.
- Prohibit the disclosure of any testimony or exhibit obtained or used in connection with an investigation.
- Establish penalties for perjury and contempt.

The bill would take effect October 1, 1995.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact. Costs and savings would depend on the frequency and success of investigative demands. Costs would include the issuance of demands, enforcement of contempt provisions, and legal counsel for indigents (if required). Savings could result from reduced investigative costs and a reduced need for grand juries.

Date Completed: 3-2-95

Fiscal Analyst: B. Bowerman