

SUBSTITUTE FOR
SENATE BILL NO. 476

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending section 7 (MCL 29.7).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) If the state fire marshal has reason to
2 believe that a crime or other offense has been committed in con-
3 nection with a fire, the state fire marshal may conduct an
4 inquiry with relation to the fire. The inquiry shall be held at
5 the time and place ~~as~~ the state fire marshal ~~determines~~
6 DIRECTS and ~~the inquiry~~ may be continued from time to time and
7 to the place ~~or places as~~ the state fire marshal directs.

8 (2) The state fire marshal may issue subpoenas to compel the
9 attendance of witnesses to testify at the inquiry and for the
10 production of books, records, papers, documents, ~~and~~ OR other
11 writings or things considered material to the inquiry, may

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1 administer oaths or affirmations to witnesses, and may cause
2 testimony to be taken stenographically and transcribed and
3 preserved. ~~Wilful~~ WILLFUL false swearing by a witness ~~shall~~
4 ~~be considered~~ IS perjury.

5 (3) If a subpoena is disobeyed, the state fire marshal may
6 invoke the aid of the circuit court ~~of this state~~ in requiring
7 the attendance and testimony of witnesses and the production of
8 books, records, papers, ~~and~~ documents, OR OTHER WRITINGS OR
9 THINGS CONSIDERED MATERIAL TO THE INQUIRY. A judge of the cir-
10 cuit court ~~of this state~~ having jurisdiction in the county in
11 which the inquiry is ~~carried on, in case of contumacy or refusal~~
12 ~~to obey a subpoena,~~ CONDUCTED may issue an order requiring the
13 person to appear before the state fire marshal and to produce
14 books, records, PAPERS, documents, ~~and papers if so ordered~~ OR
15 OTHER WRITINGS OR THINGS CONSIDERED MATERIAL TO THE INQUIRY and
16 give evidence ~~touching~~ CONCERNING the matter in question. ~~→~~
17 ~~and failure~~ FAILURE to obey the COURT'S order ~~of the court~~ may
18 be punished ~~by the court~~ as ~~a~~ contempt of the court.

19 (4) A person shall not be excused from testifying or from
20 producing books, ~~papers,~~ records, ~~or memoranda~~ PAPERS, DOCU-
21 MENTS, OR OTHER WRITINGS OR THINGS CONSIDERED MATERIAL TO THE
22 INQUIRY in an investigation ~~,~~ or ~~upon~~ AT a hearing ~~,~~ when
23 ordered to do so by the state fire marshal ~~,~~ ~~upon~~ ON the ground
24 that the testimony or evidence ~~,~~ ~~documentary or otherwise,~~ may
25 tend to incriminate the person or subject the person to a crimi-
26 nal penalty. ~~;~~ ~~but a person shall not be prosecuted or subjected~~
27 ~~to a criminal penalty for, or on account of, a transaction made~~

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1 ~~or thing concerning which the person may testify or produce~~
2 ~~evidence, documentary or otherwise, before the state fire~~
3 ~~marshal. A person so testifying shall not be exempt from prose-~~
4 ~~cution and punishment for perjury committed in testifying.~~
5 TESTIMONY, EVIDENCE, OR OTHER INFORMATION COMPELLED UNDER THIS
6 SECTION AND ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM
7 THAT TESTIMONY, EVIDENCE, OR OTHER INFORMATION SHALL NOT BE USED
8 AGAINST THE WITNESS IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT
9 PURPOSES OR IN A PROSECUTION FOR PERJURY, MAKING A FALSE STATE-
10 MENT, OR OTHERWISE FAILING TO TESTIFY OR PRODUCE EVIDENCE AS
11 REQUIRED.

12 Enacting section 1. This amendatory act does not take
13 effect unless all of the following bills of the 89th Legislature
14 are enacted into law:

15 (a) Senate Bill No. 473.

16 (b) Senate Bill No. 474.

17 (c) Senate Bill No. 475.