

SENATE BILL NO. 469

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 6 and 19b of chapter VII (MCL 767.6 and
767.19b).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER VII

2

Sec. 6. (1) ~~No~~ UPON INQUIRY, A witness shall ~~upon such~~

3

~~inquiry~~ NOT be required to answer any questions ~~,~~ or ~~shall~~

4

be convicted for contempt upon refusal to do so ~~,~~ ~~when~~ IF the

5

answers might tend to incriminate him OR HER. ~~A written order~~

6

~~granting to such witness immunity from such incrimination may be~~

7

~~entered by said judge pursuant to a~~

8

(2) UPON written motion by the prosecuting attorney or

9

~~other~~ A duly authorized representative of the state in ~~such~~ A

10

proceeding ~~,~~ ~~which~~ DESCRIBED IN SECTION 3 OF THIS CHAPTER, THE

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1 JUDGE MAY ENTER A WRITTEN ORDER GRANTING IMMUNITY TO THE
2 WITNESS. THE order shall set forth verbatim the questions ~~which~~
3 ~~such~~ THE witness refused to answer. A true copy of ~~such~~ THE
4 motion and order shall be delivered to ~~such~~ THE witness before
5 he ~~shall answer such~~ OR SHE ANSWERS THE questions IN THE
6 INQUIRY. The order granting immunity ~~so made~~ shall
7 ~~thereafter~~ extend to all related questions which may
8 ~~thereafter be put to such~~ BE ASKED OF THE witness AFTER ENTRY
9 OF THE ORDER until ~~such~~ THE judge advises the witness that
10 ~~said~~ THE immunity no longer applies.

11 (3) [TRUTHFUL] TESTIMONY COMPELLED UNDER THE ORDER GRANTING
IMMUNITY
12 AND ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM THAT
[TRUTHFUL] TES-
13 TIMONY SHALL NOT BE USED AGAINST THE WITNESS IN A CRIMINAL CASE,
14 EXCEPT FOR IMPEACHMENT PURPOSES OR IN A PROSECUTION FOR PERJURY
15 OR OTHERWISE FAILING TO COMPLY WITH THE ORDER.

16 (4) All ~~such~~ questions and the WITNESS'S answers ~~thereto~~
17 shall be ~~reduced to writing~~ TRANSCRIBED under the JUDGE'S
18 direction. ~~of such judge and a~~ A true copy of ~~such~~ THE tran-
19 script, duly certified by ~~such~~ THE judge, shall be delivered to
20 ~~such~~ THE witness as soon as practicable. ~~thereafter.~~

21 (5) The provisions for secrecy provided for in section 3
22 ~~hereof shall~~ OF THIS CHAPTER apply to all copies of ~~such~~ THE
23 motion, order, and transcript ~~so~~ delivered to ~~such~~ THE
24 witness. ~~except that~~ HOWEVER, the witness may ~~be privileged~~
25 to disclose ~~the same~~ THAT INFORMATION to his OR HER attorney
26 if ~~such witness should thereafter be prosecuted for any offense~~
27 ~~directly or indirectly growing out of any testimony given by him~~

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1 ~~in such inquiry. No person required to answer such questions~~
2 ~~shall thereafter be prosecuted for any offense concerning which~~
3 ~~such answers may have tended to incriminate him. No such~~ HIS OR
4 HER TESTIMONY OR ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY
5 FROM THAT TESTIMONY IS USED AGAINST THE WITNESS IN VIOLATION OF
6 SUBSECTION (3).

7 (6) AN order granting immunity ~~shall~~ DOES NOT extend
8 beyond the scope of ~~such~~ AN inquiry ~~, nor shall it extend~~
9 DESCRIBED IN THIS SECTION OR beyond the particular questions set
10 forth in ~~any such~~ THE motion, order, or transcript.

11 Sec. 19b. (1) A true copy of the order granting immunity
12 shall be delivered to the witness before he OR SHE answers ~~such~~
13 ANY questions before the grand jury. ~~The order granting immu-~~
14 nity shall extend to all related questions which may thereafter
15 be put to the witness and he shall not be prosecuted for any
16 offense which is discovered as a result of any answers to a ques-
17 tion put to him irrespective of the degree of knowledge provided
18 to the questioning authority.

19 (2) [TRUTHFUL] TESTIMONY OR OTHER INFORMATION COMPELLED UNDER
THE ORDER
20 GRANTING IMMUNITY AND ANY INFORMATION DERIVED DIRECTLY OR INDI-
21 RECTLY FROM THAT [TRUTHFUL] TESTIMONY OR OTHER INFORMATION SHALL NOT
BE USED
22 AGAINST THE WITNESS IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT
23 PURPOSES OR IN A PROSECUTION FOR PERJURY OR OTHERWISE FAILING TO
24 COMPLY WITH THE ORDER.

25 (3) All ~~such~~ questions ASKED OF THE WITNESS and HIS OR HER
26 answers ~~thereto~~ shall be ~~reduced to writing. No person~~
27 ~~required to answer such questions shall thereafter be prosecuted~~

1 ~~for any offense concerning which such answers may have tended to~~
2 ~~incriminate him~~ TRANSCRIBED. If a witness who has been granted
3 immunity ~~is thereafter~~ SUBSEQUENTLY ALLEGES THAT HE OR SHE IS
4 BEING prosecuted for an offense ~~which he alleges was subject to~~
5 IN VIOLATION OF the grant of immunity, ~~then~~ a true copy OF THE
6 TRANSCRIPT, duly certified by an officer authorized to administer
7 oaths, ~~of the transcript of the questions put to, and the~~
8 ~~answers of, such witness~~ shall be delivered to the witness as
9 soon as practicable.

10 (4) ~~(2)~~ The order granting immunity shall continue in
11 effect until ~~such time as~~ the judge who summoned the jury or
12 his OR HER successor, in his OR HER discretion and upon the
13 PROSECUTING ATTORNEY'S application, ~~of the prosecuting~~
14 ~~attorney,~~ enters an order terminating the order granting immu-
15 nity ~~as to questions which may thereafter be put to the witness~~
16 and ~~advises~~ INFORMS the witness of ~~such~~ THE order of
17 termination.