

SENATE BILL NO. 469

March 24, 1999, Introduced by Senators ROGERS, JOHNSON and
HAMMERSTROM and referred to the Committee on Judiciary.

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

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) TESTIMONY COMPELLED UNDER THE ORDER GRANTING IMMUNITY
12 AND ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM THAT 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~~

~~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) TESTIMONY OR OTHER INFORMATION COMPELLED UNDER THE ORDER
20 GRANTING IMMUNITY AND ANY INFORMATION DERIVED DIRECTLY OR INDI-
21 RECTLY FROM THAT 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.