

**SENATE BILL NO. 470**

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

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 125, 157, 446, 453, and 461 (MCL 750.125,  
750.157, 750.446, 750.453, and 750.461); and to repeal acts and  
parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 125. (1) ~~Bribery of agents, servants, etc., and~~  
2 ~~deception of their principals, etc.--It shall be unlawful for~~  
3 ~~any~~ A person ~~to~~ SHALL NOT give, offer, or promise ~~to an~~  
4 ~~agent, employe or servant of another or any other person, any~~ A  
5 commission, gift, or gratuity ~~whatever,~~ TO AN AGENT, EMPLOYEE,  
6 OR OTHER PERSON or DO OR OFFER to do an act beneficial to ~~such~~  
7 AN agent, ~~employe or servant or another~~ EMPLOYEE, OR OTHER  
8 PERSON with intent to influence the action of ~~such~~ THE agent ~~,~~  
9 ~~employe or servant~~ OR EMPLOYEE in relation to his OR HER

1 principal's ~~,~~ OR employer's ~~or master's~~ business. ~~;~~ ~~or for~~  
 2 an

3 (2) AN agent ~~, employe or servant to~~ OR EMPLOYEE SHALL NOT  
 4 request or accept ~~for himself or another any~~ A commission,  
 5 gift, or gratuity, or A promise ~~to make any~~ OF A commission,  
 6 gift, or gratuity, ~~to himself~~ FOR THE AGENT, EMPLOYEE, or  
 7 another PERSON or the doing of an act OR OFFER OF AN ACT benefi-  
 8 cial to ~~himself~~ THE AGENT, EMPLOYEE, or another ~~,~~ PERSON  
 9 according to ~~any~~ AN agreement or understanding between ~~him~~  
 10 THE AGENT OR EMPLOYEE and any other person ~~to the effect~~ that  
 11 ~~he~~ THE AGENT OR EMPLOYEE shall act in ~~any~~ A particular manner  
 12 in relation to his OR HER principal's ~~,~~ OR employer's ~~or~~  
 13 ~~master's~~ business. ~~It shall be unlawful for any~~

14 (3) A person ~~to~~ SHALL NOT use or ~~to~~ give to an agent,  
 15 ~~employe or servant or another, or for any~~ EMPLOYEE, OR OTHER  
 16 PERSON, AND AN agent ~~, employe or servant, to~~ OR EMPLOYEE SHALL  
 17 NOT use, approve, or certify, with intent to deceive the princi-  
 18 pal ~~,~~ OR employer, ~~or master, any~~ A receipt, account,  
 19 invoice, or other document ~~in respect of~~ CONCERNING which the  
 20 principal ~~,~~ OR employer ~~or master~~ is interested ~~, which~~  
 21 THAT contains ~~any~~ A statement ~~which~~ THAT is MATERIALLY false,  
 22 erroneous, or defective ~~in any material particular~~ or ~~which~~  
 23 omits to state fully ~~the fact of~~ any commission, money,  
 24 property, or other valuable thing ~~having been~~ given or agreed  
 25 to be given to ~~such~~ THE agent ~~, employe or servant~~ OR  
 26 EMPLOYEE.

1           (4) Evidence ~~shall~~ IS not ~~be~~ admissible in any  
2 proceeding or prosecution under this section to show that a gift  
3 or acceptance of ~~any~~ A commission, money, property, or other  
4 valuable thing ~~as is mentioned~~ DESCRIBED in this section is  
5 customary in ~~any~~ A business, trade, or calling. ~~, nor shall~~  
6 ~~the~~ THE customary nature of ~~such~~ A transaction ~~be any~~ IS NOT  
7 A defense in ~~any such~~ A proceeding or prosecution UNDER THIS  
8 SECTION.

9           (5) In ~~any~~ A proceeding or prosecution under this section,  
10 ~~no~~ A person shall NOT be excused from attending and testifying  
11 or from producing documentary evidence ~~in obedience~~ PURSUANT to  
12 ~~the~~ A subpoena ~~of the court~~ on the ground ~~or for the reason~~  
13 that the testimony or evidence ~~, documentary or otherwise,~~  
14 ~~required of him~~ may tend to ~~criminate~~ INCRIMINATE him OR HER  
15 or subject him OR HER to a penalty or forfeiture. TESTIMONY,  
16 EVIDENCE, OR OTHER INFORMATION COMPELLED UNDER THIS SECTION AND  
17 ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM THAT TESTIMO-  
18 NY, EVIDENCE, OR OTHER INFORMATION SHALL NOT BE USED AGAINST THE  
19 WITNESS IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT PURPOSES OR IN  
20 A PROSECUTION FOR PERJURY OR OTHERWISE FAILING TO TESTIFY OR  
21 PRODUCE EVIDENCE AS REQUIRED. ~~But no natural person shall be~~  
22 ~~prosecuted or subjected to any penalty or forfeiture for or on~~  
23 ~~account of any transaction, matter or thing concerning which he~~  
24 ~~may testify when compelled to do so over his objection, or~~  
25 ~~produce evidence, documentary or otherwise, in obedience to the~~  
26 subpoena: ~~Provided, That no natural person so testifying shall~~

1 ~~be exempt from prosecution and punishment for perjury committed~~  
2 ~~in so testifying.~~

3 ~~The first person committing an offense within the purview of~~  
4 ~~this section who shall report the facts, under oath, to the pros-~~  
5 ~~ecuting attorney of the county where the offense is triable and~~  
6 ~~who shall give evidence tending to the conviction of any other~~  
7 ~~person charged with an offense under this section shall be~~  
8 ~~granted full immunity from prosecution under this section with~~  
9 ~~respect to the offense reported.~~

10 (6) ~~Any~~ A person who ~~shall violate any of the provisions~~  
11 ~~of~~ VIOLATES this section ~~shall be~~ IS guilty of a misdemeanor  
12 ~~,~~ punishable by imprisonment ~~in the county jail~~ for not more  
13 than 1 year or ~~by~~ a fine of not more than ~~500 dollars~~  
14 \$500.00, OR BOTH.

15 Sec. 157. ~~Incriminating testimony and immunity of witness~~  
16 ~~except for perjury--No~~ A person shall NOT be excused from  
17 attending and testifying ~~,~~ or producing any books, papers, or  
18 other documents before ~~any~~ A court or magistrate ~~,~~ upon ~~any~~  
19 AN investigation, proceeding, or trial ~~,~~ for a violation ~~of~~  
20 ~~any of the provisions~~ of this chapter ~~,~~ upon ON the ground ~~or~~  
21 ~~for the reason~~ that the testimony or evidence ~~,~~ ~~documentary or~~  
22 ~~otherwise, required of him~~ may tend to degrade or incriminate  
23 ~~him; but no person shall be prosecuted or subjected to any pen-~~  
24 ~~alty or forfeiture for or on account of any transaction, matter~~  
25 ~~or thing concerning which he may so testify or produce evidence,~~  
26 ~~documentary or otherwise, and no testimony so given or produced~~  
27 ~~shall be received against him upon any criminal investigation,~~

~~1 proceeding or trial: Provided, That no person so testifying~~  
~~2 shall be exempt from prosecution and punishment for perjury com-~~  
~~3 mitted in so testifying~~ THE PERSON. TESTIMONY, EVIDENCE, OR  
 4 OTHER INFORMATION COMPELLED UNDER THIS SECTION AND ANY INFORMA-  
 5 TION DERIVED DIRECTLY OR INDIRECTLY FROM THAT TESTIMONY, EVI-  
 6 DENCE, OR OTHER INFORMATION SHALL NOT BE USED AGAINST THE WITNESS  
 7 IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT PURPOSES OR IN A PROS-  
 8 ECUTION FOR PERJURY OR OTHERWISE FAILING TO TESTIFY OR PRODUCE  
 9 EVIDENCE AS REQUIRED.

10       Sec. 446. ~~Incriminating testimony and immunity of witness~~  
~~11 except for perjury--No~~ A person shall NOT be excused from  
 12 attending and testifying ~~,~~ or producing any books, papers, or  
 13 other documents before ~~any~~ A court or magistrate ~~,~~ upon ~~any~~  
 14 AN investigation, proceeding, or trial ~~,~~ for a violation ~~of~~  
 15 ~~any of the provisions~~ of this chapter ~~,~~ upon ON the ground ~~or~~  
 16 ~~for the reason~~ that the testimony or evidence ~~,~~ ~~documentary or~~  
 17 ~~otherwise, required of him~~ may tend to degrade or incriminate  
 18 ~~him; but no person shall be prosecuted or subjected to any pen-~~  
 19 ~~alty or forfeiture for or on account of any transaction, matter~~  
 20 ~~or thing concerning which he may so testify or produce evidence,~~  
 21 ~~documentary or otherwise, and no testimony so given or produced~~  
 22 ~~shall be received against him upon any criminal investigation,~~  
~~23 proceeding or trial: Provided, That no person so testifying~~  
~~24 shall be exempt from prosecution and punishment for perjury com-~~  
~~25 mitted in so testifying~~ THE PERSON. TESTIMONY, EVIDENCE, OR  
 26 OTHER INFORMATION COMPELLED UNDER THIS SECTION AND ANY  
 27 INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM THAT TESTIMONY,

1 EVIDENCE, OR OTHER INFORMATION SHALL NOT BE USED AGAINST THE  
 2 WITNESS IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT PURPOSES OR IN  
 3 A PROSECUTION FOR PERJURY OR OTHERWISE FAILING TO TESTIFY OR  
 4 PRODUCE EVIDENCE AS REQUIRED.

5       Sec. 453. ~~Incriminating testimony and immunity of witness~~  
 6 ~~except for perjury--No~~ A person shall NOT be excused from  
 7 attending and testifying ~~—~~ or producing any books, papers, or  
 8 other documents before ~~any~~ A court or magistrate ~~,~~ upon ~~any~~  
 9 AN investigation, proceeding, or trial ~~—~~ for a violation ~~of~~  
 10 ~~any of the provisions~~ of this chapter ~~,~~ upon ON the ground ~~or~~  
 11 ~~for the reason~~ that the testimony or evidence ~~,~~ documentary or  
 12 otherwise, ~~required of him~~ may tend to degrade or incriminate  
 13 ~~him; but no person shall be prosecuted or subjected to any pen-~~  
 14 ~~alty or forfeiture for or on account of any transaction, matter~~  
 15 ~~or thing concerning which he may so testify or produce evidence,~~  
 16 ~~documentary or otherwise, and no testimony so given or produced~~  
 17 ~~shall be received against him upon any criminal investigation,~~  
 18 ~~proceeding or trial: Provided, That no person so testifying~~  
 19 ~~shall be exempt from prosecution and punishment for perjury com-~~  
 20 ~~mitted in so testifying~~ THE PERSON. TESTIMONY, EVIDENCE, OR  
 21 OTHER INFORMATION COMPELLED UNDER THIS SECTION AND ANY INFORMA-  
 22 TION DERIVED DIRECTLY OR INDIRECTLY FROM THAT TESTIMONY, EVI-  
 23 DENCE, OR OTHER INFORMATION SHALL NOT BE USED AGAINST THE WITNESS  
 24 IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT PURPOSES OR IN A PROS-  
 25 ECUTION FOR PERJURY OR OTHERWISE FAILING TO TESTIFY OR PRODUCE  
 26 EVIDENCE AS REQUIRED.

1           Sec. 461. ~~Competency of female as witness though wife of~~  
2 ~~accused--Any such female person~~ AN INDIVIDUAL referred to in  
3 ~~the 6 preceding~~ sections ~~shall~~ 455 TO 459 MAY be a competent  
4 witness in ~~any~~ A prosecution under this chapter to testify for  
5 or against the accused as to any transaction or as to any conver-  
6 sation with the accused or by ~~him~~ THE ACCUSED with another  
7 person ~~or persons~~ in ~~her~~ THE INDIVIDUAL'S presence ~~, not~~  
8 ~~withstanding her having~~ REGARDLESS OF WHETHER THE INDIVIDUAL  
9 married the accused before or after the violation ~~of any of the~~  
10 ~~provisions of this chapter,~~ OR whether THE INDIVIDUAL IS called  
11 as a witness during the existence of the marriage or after its  
12 dissolution. ~~No complaint shall be entertained or warrant~~  
13 ~~issued against any female giving testimony in any proceeding~~  
14 ~~under this chapter by reason of or arising from any testimony so~~  
15 ~~given by such female witness, nor shall any such testimony or any~~  
16 ~~part thereof be used in any way in connection with or as a basis~~  
17 ~~for a criminal prosecution against said witness. No such female~~  
18 ~~witness shall be permitted to refuse to answer any question~~  
19 ~~involving a violation of the provisions of this chapter on the~~  
20 ~~ground that such answer might tend to incriminate or degrade said~~  
21 ~~witness: Provided, That no person so testifying shall be exempt~~  
22 ~~from prosecution and punishment for perjury committed in so~~  
23 ~~testifying.~~

24           Enacting section 1. Section 334 of the Michigan penal code,  
25 1931 PA 328, MCL 750.334, is repealed.