

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

767A.2 Investigative subpoenas; petition for authorization; contents; filing; application for immunity; confidentiality of application; exemption from disclosure.

Sec. 2. (1) A prosecuting attorney may petition the district court, the circuit court, or the recorder's court in writing for authorization to issue 1 or more subpoenas to investigate the commission of a felony as provided in this chapter.

(2) A petition for authorization to issue 1 or more investigative subpoenas under subsection (1) shall contain all of the following:

(a) A brief description of each felony being investigated.

(b) The name of each person who will be questioned or who will be required to produce material described under subdivision (c).

(c) A general description of any records, documents, or physical evidence to be examined.

(d) A brief statement of the facts establishing the basis for the prosecuting attorney's belief that the testimony of the person or examination of the records, documents, or physical evidence is relevant to the investigation of a felony described in the petition.

(3) The petition for authorization to issue 1 or more investigative subpoenas may be filed by the prosecuting attorney with any of the following:

(a) The circuit court of the judicial circuit in which the felony or a portion of the felony is alleged to have been committed or of any judicial circuit in which the prosecuting attorney lawfully maintains an office.

(b) The recorder's court if the felony or a portion of the felony is alleged to have been committed in the city of Detroit or if the prosecuting attorney lawfully maintains an office in the city of Detroit.

(c) The district court of the judicial district in which the felony or a portion of the felony is alleged to have been committed or of any judicial district in which the prosecuting attorney lawfully maintains an office.

(4) A prosecuting attorney may file an application for immunity under section 7 at the time he or she files a petition for authorization to issue 1 or more investigative subpoenas under this section.

(5) An application under this section is confidential and shall not be available for public inspection or copying or divulged to any person except as otherwise provided in this chapter. An application under this section is exempt for disclosure under the freedom of information act, Act No. 422 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1995, Act 148, Eff. Oct. 1, 1995.