

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

767A.4 Investigative subpoenas; contents; service of process.

Sec. 4. (1) An investigative subpoena issued by a prosecuting attorney under this chapter shall contain all of the following information:

(a) The name of the person to whom it is directed and his or her address, if known. If the name of the person is not known, the investigative subpoena shall give a general description sufficient to identify the person.

(b) The time and place for taking the person's testimony or for the person to produce the required documents or physical evidence.

(c) A statement that the investigative subpoena is issued pursuant to this section.

(d) A statement identifying the criminal activity being investigated.

(e) A statement describing the records, documents, or physical evidence to be produced. The statement shall describe the records, documents, or physical evidence with sufficient definiteness to permit those records, documents, or physical evidence to be fairly identified.

(f) A statement that the person may object to the investigative subpoena or file reasons for not complying with the investigative subpoena by filing a written statement of objection or noncompliance with the prosecuting attorney on or before the date scheduled for the questioning or the production of the records, documents, or physical evidence. A statement under this subdivision shall also inform the person that the prosecuting attorney may seek an order compelling compliance with the investigative subpoena as provided in this chapter.

(g) A statement that the person may have legal counsel present at all times he or she is being questioned and during the examination of any records, documents, or physical evidence that he or she is required to produce.

(2) The court rules that apply to service of process in civil actions apply to service of investigative subpoenas under this chapter. However, an investigative subpoena shall be served not less than 7 days before the date set for the taking of testimony or examination of records, documents, or physical evidence unless the judge who issued the authorization for that investigative subpoena has shortened that period of time for good cause shown.

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