

GRANTING IMMUNITY TO WITNESSES (EXCERPT)
Act 289 of 1968

780.701 Order granting immunity; application by prosecuting attorney; verified statement; determination to grant immunity.

Sec. 1. (1) The prosecuting attorney may apply to the following, as applicable, for an order granting immunity to any person designated by name and address in the application who might give testimony concerning the violation charged in the complaint and warrant or alleged in the petition:

(a) The examining magistrate at a preliminary examination.

(b) The trial judge at a trial for a felony or misdemeanor.

(c) The judge at an adjudication for a juvenile alleged to be within the court's jurisdiction under section 2(a)(i) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or a probable cause hearing or trial in a case designated as a case in which the juvenile is to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

(2) The application shall be accompanied by the prosecuting attorney's verified statement setting forth the facts upon which the application is based.

(3) If the judge determines that it is in the interest of justice that immunity be granted, the judge shall enter an order granting immunity to the witness if the witness appears before the court in the proceeding and testifies truthfully under oath concerning any matter or thing of which the witness knows concerning matters charged in the complaint and warrant or alleged in the petition, as set forth in the prosecuting attorney's application.

History: 1968, Act 289, Eff. Nov. 15, 1968;—Am. 1999, Act 249, Imd. Eff. Dec. 28, 1999.