

GRANTING IMMUNITY TO WITNESSES (EXCERPT)
Act 289 of 1968

780.702a Order granting immunity; application by public official or agency authorized to compel testimony or produce evidence; verified statement; determination to grant immunity; delivery of order to witness; transcript of answers; use of truthful testimony, evidence, or other information against witness in criminal case; application for order granting immunity under other statute.

Sec. 2a. (1) A public official or agency authorized by a statute of this state to issue a subpoena or otherwise compel the testimony of a witness or the production of evidence in an investigation or proceeding authorized by that statute, or authorized to seek a subpoena or compelled testimony or production of evidence from a court, may apply to the court required to issue the subpoena or compel the testimony or production of evidence or otherwise to the circuit court of the county in which the investigation or proceeding is conducted for an order granting immunity to a person who might give testimony or produce evidence concerning the investigation or subject of the proceeding.

(2) The application shall designate the person by name and address. The public official or agency shall include a verified statement setting forth the facts upon which the application is based.

(3) If the court determines that it is in the interests of justice to grant immunity, the court shall enter an order granting immunity to the witness if the witness testifies truthfully or produces evidence in the investigation or proceeding concerning the investigation or subject of the proceeding.

(4) A true copy of the order granting immunity shall be delivered to the witness before he or she answers any questions subsequently asked at the investigation or proceeding or is required to produce any evidence. The order granting immunity applies until the court informs the witness that the immunity no longer applies.

(5) All questions of the witness and his or her answers shall be transcribed. A true and certified copy of the transcript shall be delivered to the witness as soon as practicable after transcription.

(6) Truthful testimony, evidence, or other truthful information compelled under the order granting immunity and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order.

(7) If a statute described in subsection (1) grants or permits immunity to a witness compelled to testify or produce evidence that is different in nature from the immunity authorized under this section, the public official or agency may apply for an order granting immunity under this section as an alternative to the immunity granted or permitted under that statute.

History: Add. 1999, Act 249, Imd. Eff. Dec. 28, 1999.