
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 473 (Substitute S-1 as reported)
Sponsor: Senator Mike Rogers
Committee: Judiciary

CONTENT

The bill would amend Public Act 289 of 1968, which authorizes circuit courts to grant immunity, to delete provisions under which a witness may not be *prosecuted* for crimes about which he or she testifies, if the witness has been granted immunity (i.e., transactional immunity). Instead, the bill provides that if a witness were granted immunity, his or her testimony and any information derived from it could not be *used* against the witness in a criminal case (i.e., the witness would be granted use immunity). The testimony could be used, however, for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the immunity order.

Currently, a prosecutor may apply for an immunity order at the preliminary examination or trial in the case of any felony or a circuit court misdemeanor. The bill specifies, instead, that a prosecutor could apply for an immunity order to the examining magistrate at a preliminary examination; to the trial judge at a trial for a felony or misdemeanor; to the judge at an adjudication for a juvenile alleged to have committed a violation of the law, or a probable cause hearing or trial in a case in which a juvenile was to be tried as an adult for committing a specified juvenile offense.

The bill also would authorize a public official or agency to apply to a court for an immunity order, if the official or agency had statutory authority to issue a subpoena or compel testimony.

The bill is tie-barred to Senate Bills 474-476.

MCL 780.701 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on the criminal justice system. The extent, if any, to which the bill would affect convictions cannot be estimated.

Date Completed: 11-10-97

Fiscal Analyst: B. Bowerman