

SENATE BILL NO. 471

March 24, 1999, Introduced by Senators JOHNSON, ROGERS and
HAMMERSTROM and referred to the Committee on Judiciary.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending section 7 (MCL 29.7).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) If the state fire marshal has reason to believe
2 that a crime or other offense has been committed in connection
3 with a fire, the state fire marshal may conduct an inquiry with
4 relation to the fire. The inquiry shall be held at the time and
5 place ~~as~~ the state fire marshal ~~determines~~ DIRECTS and ~~the~~
6 ~~inquiry~~ may be continued from time to time and to the place ~~or~~
7 ~~places~~ ~~as~~ the state fire marshal directs.

8 (2) The state fire marshal may issue subpoenas to compel the
9 attendance of witnesses to testify at the inquiry and for the
10 production of books, records, papers, documents, ~~and~~ OR other
11 writings or things considered material to the inquiry, may

1 administer oaths or affirmations to witnesses, and may cause
2 testimony to be taken stenographically and transcribed and
3 preserved. ~~Wilful~~ WILLFUL false swearing by a witness ~~shall~~
4 ~~be considered~~ IS perjury.

5 (3) If a subpoena is disobeyed, the state fire marshal may
6 invoke the aid of the circuit court ~~of this state~~ in requiring
7 the attendance and testimony of witnesses and the production of
8 books, records, papers, ~~and~~ documents, OR OTHER WRITINGS OR
9 THINGS CONSIDERED MATERIAL TO THE INQUIRY. A judge of the cir-
10 cuit court ~~of this state~~ having jurisdiction in the county in
11 which the inquiry is ~~carried on, in case of contumacy or refusal~~
12 ~~to obey a subpoena,~~ CONDUCTED may issue an order requiring the
13 person to appear before the state fire marshal and to produce
14 books, records, PAPERS, documents, ~~and papers if so ordered~~ OR
15 OTHER WRITINGS OR THINGS CONSIDERED MATERIAL TO THE INQUIRY and
16 give evidence ~~touching~~ CONCERNING the matter in question. ~~;~~
17 ~~and failure~~ FAILURE to obey the COURT'S order ~~of the court~~ may
18 be punished ~~by the court~~ as ~~a~~ contempt of the court.

19 (4) A person shall not be excused from testifying or from
20 producing books, ~~papers,~~ records, ~~or memoranda~~ PAPERS, DOCU-
21 MENTS, OR OTHER WRITINGS OR THINGS CONSIDERED MATERIAL TO THE
22 INQUIRY in an investigation ~~,~~ or ~~upon~~ AT a hearing ~~,~~ when
23 ordered to do so by the state fire marshal ~~,~~ ~~upon~~ ON the ground
24 that the testimony or evidence ~~,~~ ~~documentary or otherwise,~~ may
25 tend to incriminate the person or subject the person to a crimi-
26 nal penalty. ~~;~~ ~~but a person shall not be prosecuted or subjected~~
27 ~~to a criminal penalty for, or on account of, a transaction made~~

1 ~~or thing concerning which the person may testify or produce~~
2 ~~evidence, documentary or otherwise, before the state fire~~
3 ~~marshal. A person so testifying shall not be exempt from prose-~~
4 ~~cution and punishment for perjury committed in testifying.~~
5 TESTIMONY, EVIDENCE, OR OTHER INFORMATION COMPELLED UNDER THIS
6 SECTION AND ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY FROM
7 THAT TESTIMONY, EVIDENCE, OR OTHER INFORMATION SHALL NOT BE USED
8 AGAINST THE WITNESS IN A CRIMINAL CASE, EXCEPT FOR IMPEACHMENT
9 PURPOSES OR IN A PROSECUTION FOR PERJURY, MAKING A FALSE STATE-
10 MENT, OR OTHERWISE FAILING TO TESTIFY OR PRODUCE EVIDENCE AS
11 REQUIRED.