HOUSE BILL No. 5505

December 12, 2001, Introduced by Reps. Cassis, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Gilbert, Faunce, Meyer, Mead, Van Woerkom, Woronchak, Hummel, Birkholz, Newell, Drolet, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Bisbee, George, Shackleton, Shulman, Lockwood, Ehardt, Kowall, Jelinek, Rocca, Neumann, Bernero, Allen, Sheltrown, DeVuyst, Callahan, Hager, Pumford, Zelenko, Lipsey, Phillips, Pestka, Jacobs, Basham, Richardville, Kuipers, Pappageorge, McConico and Whitmer and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 19f of chapter VII (MCL 767.19f).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER VII

HOUSE BILL No. 5505

2 Sec. 19f. (1) Except as otherwise provided by law, it is

3 unlawful for any A person to SHALL NOT publish or make known

4 to any other person any testimony or exhibits obtained or used,

5 or any proceeding conducted, in connection with any grand jury

6 inquiry. Any A person violating the provisions of WHO

7 VIOLATES this -section SUBSECTION is guilty of a misdemeanor

f 8 punishable by imprisonment in the county jail for not more than 1

9 year or by a fine of not more than \$1,000.00, or both. The

10 provisions of this section respecting secrecy shall

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- 1 (2) SUBSECTION (1) DOES not apply to communications ANY OF
- 2 THE FOLLOWING:
- 3 (A) COMMUNICATIONS between prosecuting officers for the pur-
- 4 pose of presenting evidence before the grand jury, for the pur-
- 5 pose of reviewing evidence presented to the grand jury for pro-
- 6 spective prosecution, or for any other purpose involving the exe-
- 7 cution of a public duty. The provisions of this section shall
- 8 apply to
- 9 (B) COMMUNICATIONS BETWEEN LAW ENFORCEMENT OFFICERS IN CASES
- 10 INVOLVING VIOLATIONS OF CHAPTER LXXXIII-A OF THE MICHIGAN PENAL
- 11 CODE, 1931 PA 328, MCL 750.543A TO 750.543Z.
- 12 (3) SUBSECTION (1) APPLIES TO, BUT ITS APPLICATION IS NOT
- 13 LIMITED TO, applications and petitions for and orders of immunity
- 14 and to any transcript of testimony which THAT may be delivered
- 15 to a witness pursuant to his being granted OR HER GRANT OF
- 16 immunity, except that the witness may be privileged to disclose
- 17 such application, petition, order, and transcript to his OR HER
- 18 attorney.