

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

767A.7 Order granting immunity.

Sec. 7.

(1) The prosecuting attorney may apply to the court for an order granting immunity to any person, designated by name and address in the application, whom the prosecuting attorney intends to require to give testimony concerning any matter investigated under this chapter. The application shall be accompanied by the prosecuting attorney's verified petition setting forth the facts upon which the application is based. If the judge determines it is in the interest of justice to grant immunity, the judge shall enter an order granting immunity to the person if the person appears before the prosecuting attorney and testifies under oath concerning the felony set forth in the petition of the prosecuting attorney. The order granting immunity shall extend to all related questions asked of the person.

(2) The prosecuting attorney shall provide the person with a true copy of the order issued under subsection (1) before the prosecuting attorney asks the person any questions. No testimony or other information compelled under the order, or any information directly or indirectly derived from that testimony or other information, may be used against the person in any criminal case, except for impeachment purposes, in a prosecution for perjury, or for otherwise failing to comply with the order granting immunity.

(3) An order issued under this section that grants immunity to a person continues in effect until the judge or his or her successor, in his or her discretion and upon application by the prosecuting attorney, enters an order terminating the order granting immunity and the prosecuting attorney notifies the witness of the order of termination.

(4) Any person granted immunity under this section may have legal counsel present at all times at which he or she is being questioned concerning any matter included within the order granting immunity.

History: Add. 1995, Act 148, Eff. Oct. 1, 1995