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FIRE INVESTIGATIONS: WITNESS IMMUNITY

House Bill 4592

Sponsor: Rep. Larry Julian

Committee: Criminal Law and Corrections

Complete to 10-29-99

A SUMMARY OF HOUSE BILL 4592 AS INTRODUCED 4-27-99

Under the Fire Prevention Code, witnesses can be compelled to testify or produce evidence in fire marshal investigations. In those situations, the witness is given immunity against prosecution for the offense to which his or her compelled testimony relates. This is called transactional immunity.

The witness may not be prosecuted for the crime (transaction) for which he or she has been compelled to testify or provide evidence.

The bill would remove the language providing for transactional immunity. Instead, the bill would provide that if a witness were compelled to testify or otherwise produce evidence by the state fire marshal, his or her testimony or evidence and any information derived from it could not be used against the witness in a criminal case. This is known as use immunity -- the information compelled from the witness can not be used in any matter in connection with the criminal prosecution of the witness. However, the testimony or other evidence could be used in a prosecution for perjury or otherwise failing to testify or produce evidence as required and could be used in a criminal proceeding to impeach or contradict the testimony of that witness.

The bill is tie-barred to a bill that has not yet been introduced. [Note: According to the bill's sponsor, an amendment has been drafted to remove the tie-bar.]

MCL 29.7

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.