

**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.