

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.908 Granting immunity to witness in lawyer disciplinary proceeding.

Sec. 908.

(1) Upon application filed by the attorney grievance commission, and after affording the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred the opportunity to be heard regarding any objections which any may have, the supreme court may grant immunity to a witness in a lawyer disciplinary proceeding in a manner described in this section.

(2) An order granting immunity shall not be issued if the supreme court determines, based on information supplied by the attorney general or the prosecuting attorney of the county where the alleged violation occurred, that an order of immunity would interfere with an ongoing criminal investigation.

(3) The application shall set forth the proposed questions to be asked and shall be served on the witness, the attorney general, and the prosecuting attorney of the county where the alleged violation occurred.

(4) An order granting immunity shall not extend beyond answers reasonably encompassed within the questions set forth in the application or beyond the scope of the disciplinary proceeding.

(5) A true copy of the order granting immunity shall be delivered to the witness before he or she answers a question which is the subject of the grant of immunity.

(6) A witness granted immunity as provided by this section has the right to be represented by counsel at all times at his or her request.

(7) A person required to answer the questions pursuant to an order granting immunity shall not be prosecuted thereafter for an offense concerning which an answer may have tended to incriminate that person.

(8) A witness who wilfully swears falsely under oath in regard to any matter upon which he or she is being examined under a grant of immunity commits perjury and is guilty of a felony, punishable by imprisonment for not more than 15 years.

(9) The refusal of a witness to answer a question which is the subject of a grant of immunity shall constitute a contempt punishable by the circuit court of the county in which the refusal occurred or by the supreme court.

(10) A copy of the transcript of the questions and answers subject to the grant of immunity shall be delivered to the witness as soon as practicable. The copy of the transcript shall be certified as true by a person authorized to administer oaths in the proceeding.

History: Add. 1982, Act 166, Imd. Eff. May 31, 1982