

1 IN THE SENATE

BY MERDES

2 SENATE BILL NO. 360

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the granting of immunity from  
7 criminal prosecution to a witness in a criminal pro-  
8 ceeding or grand jury investigation."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 12.50 is amended by adding new sections to read :

11 ARTICLE 2. WITNESS IMMUNITY.

12 Sec. 12.50.110. COMPELLING EVIDENCE IN CRIMINAL PROCEEDINGS. In  
13 any criminal proceeding before the superior court or in any criminal  
14 proceeding or investigation before a grand jury, if a person refuses to  
15 answer a question or produce other evidence of any kind on the ground  
16 that he may be incriminated by his answer or by producing the evidence,  
17 and if the attorney general, in writing, requests the presiding judge  
18 of the superior court to order that person to answer the question or  
19 produce the evidence, the court, in its discretion after notice to the  
20 person, may order him to answer the question or produce the evidence.  
21 In exercising his discretion, the presiding judge of the superior court  
22 shall consider whether the person, by his answer or by producing the  
23 evidence, may be incriminated in some other jurisdiction.

24 Sec. 12.50.120. GRANTING IMMUNITY. After complying with an order  
25 of the court under sec. 110 of this chapter, and if, but for that sec-  
26 tion, he would have been privileged to withhold the answer given or  
27 the evidence produced by him, the witness shall not be prosecuted or  
28 subjected to penalty or forfeiture for or on account of any transaction,  
29 matter or thing concerning which, in accordance with the order, he gave

1 an answer or produced evidence. However, he may be prosecuted or  
2 subjected to the penalty or forfeiture for any perjury, false swearing  
3 or contempt committed in answering or failing to answer, or in producing  
4 or failing to produce evidence in accordance with the order.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29