

Introduced: 2/4/74
Referred: Judiciary

1 IN THE SENATE BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 323

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act concerning immunity of a witness from pros-
7 ecution related to court ordered testimony; and
8 providing for an effective date."

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

10 * Section 1. AS 12.50 is amended by adding a new section to read:

11 ARTICLE 2. IMMUNITY.

12 Sec. 12.50.090. IMMUNITY OF WITNESS FROM PROSECUTION BASED ON
13 COMPELLED TESTIMONY OR EVIDENCE. If a witness in a judicial proceeding
14 claims the privilege against self-incrimination but is required at the
15 request of the prosecution with the concurrence of the attorney general
16 to give testimony or produce evidence, that testimony or evidence, or the
17 fruits of that testimony or evidence, shall not be used against the
18 witness in a later criminal prosecution, nor shall he be subjected to
19 penalty or forfeiture for, or on account of, the testimony or evidence
20 compelled or the fruits of that testimony or evidence. The witness
21 may nevertheless be prosecuted or subjected to penalty or forfeiture
22 for perjury, false swearing or contempt committed in answering, or
23 failing to answer, or in producing, or failing to produce, evidence in
24 accordance with an order to give testimony or produce evidence. The
25 witness may also be prosecuted or subjected to penalty or forfeiture
26 for, or on account of, a transaction, matter or thing concerning which
27 he testifies or produces evidence provided that the basis of that
28 prosecution, penalty or forfeiture is evidence produced wholly
29 independently of the testimony or evidence compelled or the fruits of

1 that testimony or evidence.

2 * Sec. 2. This Act takes effect on the day after its passage and approval
3 or on the day it becomes law without approval.

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