

Introduced: 1/28/77  
Referred: Judiciary

1 IN THE SENATE

BY RODEY, KERTTULA AND HUBER

2 SENATE BILL NO. 104

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the compulsion of testimony or  
7 other evidence in judicial proceedings; changing Rule  
8 43(h)(6), Rules of Civil Procedure; and providing for  
9 an effective date."

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

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

12 ARTICLE 3. COMPELLED TESTIMONY.

13 Sec. 12.50.200. COMPELLED TESTIMONY TENDING TO INCRIMINATE WITNES-  
14 SES. (a) When in the judgment of a prosecuting attorney the testimony  
15 of a witness, or the production of books, papers, or other evidence by  
16 a witness, in any case or proceeding before a grand jury or court of  
17 this state is necessary to the public interest, he, upon the approval of  
18 the attorney general, shall make application to the court that the  
19 witness be instructed to testify or produce evidence under the terms of  
20 this section, and upon order of the court that witness shall not be  
21 excused from testifying or from producing books, papers, or other evi-  
22 dence on the ground that the testimony or evidence required of him may  
23 tend to incriminate him or subject him to a penalty or forfeiture. No  
24 witness ordered to testify under the terms of this section may be pro-  
25 secuted or subjected to any penalty or forfeiture for or on account of  
26 any transaction, matter, or thing concerning which he is compelled,  
27 after having claimed his privilege against self-incrimination, to testi-  
28 fy or produce evidence, nor shall the compelled testimony or other  
29 evidence or any information directly or indirectly derived from the

1 testimony or other evidence be used in any criminal proceeding except a  
2 prosecution described in (b) of this section.

3 (b) No witness shall be exempt under the terms of this section  
4 from prosecution for perjury or contempt committed while giving testi-  
5 mony or producing evidence under compulsion as provided in this section.

6 \* Sec. 2. Section 1 of this Act has the effect of changing Rule 43(h)(6),  
7 Rules of Civil Procedure, by providing for application to the court for an  
8 order to compel testimony.

9 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).