

**"CHAPTER 621C [OLD]
WITNESS IMMUNITY**

REPEALED. L 1978, c 212, §1.

**CHAPTER 621C
WITNESS IMMUNITY**

Section

- 621C-1 Self-incrimination claim precluded
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" **§621C-1 Self-incrimination claim precluded.** If a person refuses, on the basis of the person's privilege against self-incrimination, to testify or produce a record, document, or other object in an official proceeding conducted under the authority of:

- (1) A court or grand jury;
- (2) An agency of the State; or
- (3) Either house of the legislature, a joint committee of the two houses, or a committee or a subcommittee of either house;

and the presiding officer informs the person of an order issued under this chapter, the person may not refuse to comply with the order on the basis of the person's privilege against self-incrimination. [L 1978, c 212, pt of §2; gen ch 1985]

Cross References

Antitrust proceedings, see §§480-23 to 480-23.4.

Refusal to testify, obstruction of justice, see §710-1072.5.

" **§621C-2 Procedures.** If a person has been or may be subpoenaed to testify or to produce a record, document, or other object in an official proceeding as described in section 621C-1, a judge of a circuit court may, upon application by the attorney general or county prosecutor, issue an order requiring the person to testify or to produce a record, document, or other object, notwithstanding the person's refusal to do so on the basis of the person's privilege against self-incrimination. The order may be issued prior to the assertion of the privilege against self-incrimination but shall not be effective until the witness asserts the witness' privilege against self-incrimination and the presiding officer communicates the order to the witness. The application and order shall specify whether the immunity granted under this chapter is use immunity as set forth in section 621C-3 or transactional immunity as set forth in section 621C-4. [L 1978, c 212, pt of §2; gen ch 1985]

Cross References

Antitrust proceedings, see §480-23.1.

" **§621C-3 Use immunity.** The testimony or production that is compelled under the order, and any information directly or indirectly derived from the testimony or production, may not be used against the person in any manner in a criminal case, except

in a prosecution for perjury, for giving a false statement, or for an offense involving a failure to comply with the order; provided that such person may be prosecuted or punished for any crime so long as testimony or production that is compelled under the order, and any information directly or indirectly derived from such testimony or production, is not used against such person in such prosecution. [L 1978, c 212, pt of §2]

Cross References

Antitrust proceedings, see §480-23.2.

Case Notes

Use immunity granted by section is inadequate to supplant the privilege against self-incrimination conferred by article I, §10 of the state constitution. 62 H. 269, 614 P.2d 915 (1980).

" **§621C-4 Transactional immunity.** If a person is ordered to testify or produce a record, document, or other object under this chapter and the order specifies that the person is granted transactional immunity pursuant to this section, such person shall not be prosecuted or punished in any criminal action or proceeding for or on account of any act, transaction, matter, or thing concerning which the person is so ordered to testify or produce a record, document, or other object, except that the person may be prosecuted for perjury, for giving a false statement, or for an offense involving a failure to comply with the order. [L 1978, c 212, pt of §2; gen ch 1985]

Cross References

Antitrust proceedings, see §480-23.3.

Case Notes

Statute does not grant authority to courts to grant immunity from prosecution for perjury. 9 H. App. 628, 859 P.2d 925 (1993).

" **§621C-5 Penalty.** Any witness granted immunity hereunder who fails or refuses to testify or produce other information may be punished by the court for contempt, provided that the witness may be charged with and convicted of the other offense

notwithstanding the fact that the witness has been punished by the court for contempt. [L 1978, c 212, pt of §2; gen ch 1985]

Cross References

Antitrust proceedings, see §480-23.4.

Refusal to testify, obstruction of justice, see §710-1072.5.