

A Bill for an Act Relating to Witness Immunity.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
WITNESS IMMUNITY**

**Sec. -1. Immunity generally.** (a) A witness who asserts his privilege against self-incrimination before a court or grand jury may be directed to testify or produce other information as provided in this chapter. He shall not thereafter be excused from testifying or producing other information on the ground that his testimony or other information required of him may tend to incriminate him, but he 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 he is so directed to testify or produce other information, except that he may be prosecuted for perjury or any other offense constituting a failure to comply with such direction.

(b) A direction to testify or produce other information authorized by this chapter may be issued prior to the witness’s assertion of his privilege against self-incrimination; but the direction shall not be effective until the witness asserts his privilege against self-incrimination and the person presiding over the inquiry communicates the direction to him.

(c) As used in this chapter “other information” includes any book, paper, document, record, recordation, tangible object or other material.

**Sec. -2. Procedure.** The direction to the witness to testify or produce other information shall be issued by the court upon application therefor by the state. The application may be made whenever, in the judgment of the state, the witness has asserted or is likely to assert his privilege against self-

incrimination and his testimony or other information is or will be necessary to the public interest.

**Sec. -3. Penalty.** Any witness granted immunity hereunder who fails or refuses to testify or produce other information shall be punished by the court for contempt.

SECTION 2. Sections 431-52, 728-8, 746-15, 746-17 of the Hawaii Revised Statutes are repealed.

SECTION 3. This Act shall take effect upon its approval.

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)