

LEGISLATIVE BILL 525

Approved by the Governor March 10, 1982

Introduced by Sieck, 24

AN ACT relating to criminal procedure; to compel testimony of a witness; to provide immunity; and to repeal section 29-2011.01, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. Whenever a witness refuses, on the basis of the privilege against self-incrimination, to testify or to provide other information in a criminal proceeding before a court or grand jury, the court, on motion of the county attorney or other prosecuting attorney, may order the witness to testify or to provide other information. The witness may not refuse to comply with such an order of the court on the basis of the privilege against self-incrimination, but no testimony or other information compelled under the court's order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, giving a false statement, or failing to comply with the order of the court.

Sec. 2. A county attorney or other prosecuting attorney may request an order pursuant to section 1 of this act, when in his or her judgment:

(1) The testimony or other information from such individual may be necessary to the public interest; and

(2) Such individual has refused or is likely to refuse to testify or provide other information on the basis of the privilege against self-incrimination.

Sec. 3. That section 29-2011.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.