

March 31, 2009

H 937. INNOCENCE COMMN./LIMITED WITNESS IMMUNITY. Filed 3/31/09. *TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS.*

Enacts new GS 15A-1468(a1) to allow the North Carolina Innocence Commission (Commission) to compel the testimony of any witness. Provides that, if a witness asserts privilege against self-incrimination in a proceeding under Article 92 of GS 15A, the Commission chair may order a witness to testify or produce other information if the chair first determines that the witness's testimony will likely be material to reach a correct factual determination in the case at hand. Requires that the order prevent a prosecutor from using the compelled testimony, or evidence derived, to prosecute the witness for previous false statements made under oath

by the witness in prior proceedings, with that immunity applying throughout all proceedings conducted pursuant to Article 92. Specifies that this limited immunity does not prohibit prosecution of statements made under oath that are (1) unrelated to the Commission's formal inquiry, (2) false statements made under oath during proceedings under Article 92, or (3) prosecution for any other crimes.

Intro. by Glazier.

GS 15A

June 30, 2009

H 937. INNOCENCE COMMN./LIMITED WITNESS IMMUNITY. Filed 3/31/09. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 15A-1468(a1) to prohibit the chair of the Innocence Commission from ordering a witness that asserts his or her privilege against self-incrimination to testify or produce information that would incriminate the witness in the prosecution of any offense other than an offense for which the witness is granted immunity under the subsection. Also provides that the prosecutor has a right to be heard by the chair before the chair issues an order compelling a witness to testify or produce information and preventing the prosecutor from using the testimony or evidence derived from the testimony to prosecute the witness for previous false statements made by the witness made under oath in prior proceedings.

July 27, 2009

SL 2009-360 (H 937). INNOCENCE COMMISSION/LIMITED WITNESS IMMUNITY. AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS. Summarized in *Daily Bulletin* 3/31/09 and 6/30/09. Enacted July 27, 2009. Effective July 27, 2009.