

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 937
PROPOSED SENATE COMMITTEE SUBSTITUTE H937-PCS70456-SA-50

Short Title: Innocence Commn./Limited Witness Immunity.

(Public)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1468 is amended by adding a new subsection to read:

"(a1) The Commission may compel the testimony of any witness. If a witness asserts his or her privilege against self-incrimination in a proceeding under this Article, the Commission chair, in the chair's judicial capacity, may order the 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. However, the Commission chair shall not order the witness to testify or produce other information that would incriminate the witness in the prosecution of any offense other than an offense for which the witness is granted immunity under this subsection. The order shall prevent a prosecutor from using the compelled testimony, or evidence derived therefrom, to prosecute the witness for previous false statements made under oath by the witness in prior proceedings. The prosecutor has a right to be heard by the Commission chair prior to the chair issuing the order. Once granted, the immunity shall apply throughout all proceedings conducted pursuant to this Article. The limited immunity granted under this section shall not prohibit prosecution of statements made under oath that are unrelated to the Commission's formal inquiry, false statements made under oath during proceedings under this Article, or prosecution for any other crimes."

SECTION 2. This act is effective when it becomes law.



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