

the page which is four and look at line 11. The only statement which a witness can receive is a statement which the witness himself or herself has given. That is the only thing, and I don't see how Senator Murphy can feel that somebody who is brought before a grand jury without knowing why you are brought there should not have the right to review any statement that you had already made that the prosecutor has in his possession. This doesn't say anything else about what somebody else has said, his research, his case or anything else, only a statement that the witness may have made at an earlier time and I don't see anything wrong with that. So I am opposed to Senator Murphy's amendment.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I would just have a question of Senator Chambers. Under what kind of circumstance can you envision the use of this particular section? What problem does it solve for you?

SENATOR CHAMBERS: It could be a situation, as you know, when you are called before a grand jury right now, you don't know whether you are going to be a witness, whether you will wind up being the accused, whether the issue is criminal conduct perhaps or how a county is operated. The grand jury can consider anything. If you should wind up before a grand jury and it should become clear to you that you are going to be the accused or you are going to be asked to accuse somebody else, then in order that you will not commit perjury by saying something or not saying something that you had said before, you have the opportunity to review any statement that you have made on the subject before.

SENATOR LANDIS: Is it your purpose with this legislation to make more difficult the potential perjury charges that might result from conduct before a grand jury?

SENATOR CHAMBERS: That is part of it but the thrust of the entire bill, Senator Landis, is to give due process safeguards to people who are brought before the grand jury. Right now it is an open-ended affair where you have no idea of what is going on and that is the thrust of the bill. This particular thing would deal with what I had mentioned earlier.

SENATOR LANDIS: Senator Chambers, do you have any court cases which create or establish a due process right that extends this far in the grand jury or is this an attempt to carve out a new form of due process that would be available to potential grand jury witnesses?