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LB 524

SENATOR CHAMBERS: You are right on the second part. I don't know of any court case that demands the kind of things that this bill would do although there are other states that have done this very thing.

SENATOR LANDIS: Lastly, I want to ask you, one of those conditions under which a grand jury can operate effectively is a certain amount of secrecy. The kind of provision that you envision with respect to this subsection creates the possibility that a witness prior to the grand jury, prior to his interrogation, may become very well aware of what the investigation is and what it is about. Do you see that subsection 3 can present a serious threat to the maintenance of secrecy in the grand jury?

SENATOR CHAMBERS: No, because even now a witness can say outside the grand jury anything that he or she spoke of in the grand jury room. The jurors may not and others may be held to secrecy but the witness can talk about anything he or she said already so this does not touch the secrecy of the grand jury proceeding at all.

SENATOR LANDIS: Lastly, in your subsection there is no statement as to the time that the material is to be rendered to the witness. If I understand subsection 3, it is possible for a prosecuting attorney to stand at the door of the grand jury and hand as the person walks in him a folder containing those statements made prior to the occasion of the grand jury about which he will be asking questions. Do you envision the necessity of any time length or time requirement that would limit the conduct of the prosecutor?

SENATOR CHAMBERS: I would consider that, Senator Landis, although there are other provisions in the bill where if the individual coming before the grand jury is a possible target, then an advisement of rights would have to be given just as in any other criminal prosecution. So the time element perhaps should be considered, but at this moment, I am not certain that it's necessary.

SENATOR LANDIS: Thank you, Senator Chambers. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Johnson.

SENATOR JOHNSON: Mr. Speaker, members of the body, I just have one comment to make concerning what Senator Chambers is attempting to do. If you look at our statutes, section 25-1222.02, statutes specifically provide that in a civil