

February 19, 1982

LB 525

SPEAKER MARVEL: We now read on Final Reading LB 525.

CLERK: (Read LB 525 on Final Reading.)

SPEAKER MARVEL: All provisions of law...

CLERK: Mr. President, I have a motion on 525 from Senator Chambers. Senator Chambers would move to return the bill for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I regret that the bill was read before I offered the motion but I was trying to clear up a point on the bill with Senator Beutler, then I looked up and saw that it had been completed, but I would like to ask Senator Sieck a question before I proceed with my comments.

SPEAKER MARVEL: Senator Sieck, do you yield?

SENATOR SIECK: Yes.

SENATOR CHAMBERS: Now, Senator Sieck, I know you are not an expert in this area but you are the carrier of the bill and I am going to see if I can refresh your memory on a point, and there is no trickery in this. Do you remember that it was stated by the ones who asked you to bring this bill that if immunity were granted in a state prosecution and a person compelled to testify that although nothing testified to in the state prosecution could be used against that person, the federal courts could use that testimony against the person, do you remember that?

SENATOR SIECK: That the federal court could use that testimony...I don't recall, no. I don't recall.

SENATOR CHAMBERS: Thank you. Is there anybody here on the Judiciary Committee who remembers that discussion? All right, well, I will tell you...thank you, Senator Sieck... that the two jurisdictions, federal and state, are different, and if testimony is compelled from a person in the state courts...well, let me tell what the bill does so that you will know what I am talking about. This bill says that a person who would refuse to testify because the testimony might lead to self-incrimination can be compelled to testify if granted immunity. The immunity would be based on the notion that nothing the person said could be used against him or her in any transaction growing out of that testimony or the subject matter of it. However, the