SENATE BILL NO. 201

INTRODUCED BY TURNAGE, HAZELBAKER, B. BROWN

IN THE SENATE

January 1	19,	1983	Introduced and referred to Committee on Judiciary.
February	2,	1983	Committee recommend bill do pass. Report adopted.
February	3,	1983	Bill printed and placed on members' desks.
February	5,	1983	Second reading, do pass.
February	7,	1983	Correctly engrossed.
February	8,	1983	Third reading, passed. Ayes, 45; Noes, 5. Transmitted to House.

IN THE HOUSE

February 9, 1983	Introduced and referred to Committee on Judiciary.
March 11, 1983	Committee recommend bill be not concurred in. Report adopted.
March 14, 1983	On motion, taken from Adverse Committee Report and rereferred to Committee on Judiciary.
March 24, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in.

IN THE SENATE

March 29, 1983	Returned to Senate with amendments.
April 6, 1983	Second reading, amendments concurred in.
April 7, 1983	Third reading, amendments concurred in. Ayes, 50; Noes, 0.
	Sent to enrolling.
	Reported correctly enrolled

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ı	Agenate BILL NO. 201
2	INTRODUCED BY Turnage Halloh Bob Brown
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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN A 4 WITNESS IS GIVEN IMMUNITY AND COMPELLED TO TESTIFY OR 5 6 PRODUCE EVIDENCE. THE TESTIMONY. EVIDENCE. OR INFORMATION 7 DERIVED FROM IT MAY NOT BE USED AGAINST HIM IN A CRIMINAL 8 PROSECUTION; DELETING PROVISIONS THAT THE WITNESS MAY NOT BE 9 PROSECUTED FOR TRANSACTIONS HE TESTIFIES ABOUT; AMENDING 10 SECTIONS 30-10-304, 30-14-221, 46-4-305, AND 46-15-311, 11 HCA.=

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 Section 1. Section 30-10-304, HCA, is amended to read:
 *30-10-304, Investigations and subpoenas. (1) The

commissioner in his discretion may:

(a) make such public or private investigations or 17 18 examinations within or without this state as he deems 19 necessary to determine whether any registration should be 20 granted, denied, or revoked or whether any person has 21 violated or is about to violate any provision of parts 1 22 through 3 of this chapter or any rule or order hereunder or 23 to aid in the enforcement of parts 1 through 3 of this 24 chapter or in the prescribing of rules and forms bereunder: 25 (b) require or seruct any person to file a statement

in writing, under oath or otherwise as the commissioner may
 determine, as to all the facts and circumstances concerning
 the matter to be investigated; and

4 (c) publish information concerning any violation of
5 parts 1 through 3 of this chapter or any rule or order
6 hereunder.

7 (2) For the purpose of any investigation or proceeding 8 under parts 1 through 3 of this chapter, the commissioner or 9 any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, 10 11 take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other 12 documents or records which the commissioner deems relevant 13 14 or material to the inquiry.

15 (3) In case of contumacy by or refusal to obey a 16 subpoena issued to any person, any court of competent 17 jurisdiction, upon application by the commissioner, may 18 issue to that person an order requiring him to appear before the commissioner or the officer designated by him, there to 19 produce documentary evidence if so ordered or to give 20 21 evidence touching the matter under investigation or in 22 question. Any failure to obey the order of the court may be 23 punished by the court as a contempt of court.

24 (4) No person is excused from attending and testifying
 25 or from producing any document or record before the
 INTRODUCED BILL
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1 commissioner or in obedience to the subpoena of the 2 commissioner or any officer designated by him, or in any 3 proceeding instituted by the commissioner, on the ground that the testimony or evidence (documentary or otherwise) 4 5 required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual--may--be 6 7 prosecuted--or-subjected-to-any-penalty-or-forfeiture-for-or on-account-of-any-transactiony-mattery-or--thing--concerning 8 9 which-he-is-compelledy-after-claiming-his-privilege-against 10 self-incriminationy---to---testify---or---produce---evidence 11 (documentory-or-otherwise), compelled testimany or evidence 12 or any information directly or indirectly derived from such 13 testimony or evidence may be used against the witness in any 14 criminal case, except that the individual-so-testifying 15 shall witness is not be exempt from prosecution and 16 punishment for perjury committed in so testifying." 17 Section 2. Section 30-14-221, MCA, is amended to read: 18 #30-14-221. Investigations. (1) The department, for 19 the purpose of conducting hearings and investigations which in the opinion of the department are necessary and proper 20

21 for the exercise of the powers vested in it by this part, 22 shall at all reasonable times have access to any evidence 23 concerning a person being investigated or proceeded against 24 that relates to any matter under investigation or in 25 question and the right to copy such evidence. The department

may issue subpoenas requiring the attendance and testimony 1 2 of witnesses and the production of any evidence that relates 3 to any matter under investigation or in guestion before the 4 department or before its duly authorized agent conducting 5 the investigation. An agent, duly authorized by the department for those purposes, may administer oaths and 6 7 affirmations, examine witnesses, and receive evidence. The 8 attendance of witnesses and the production of evidence may 9 be required from any place in this state at any designated 10 place of hearing.

(2) Upon application by the department in a case of 11 12 contumacy or refusal to obey a subpoena issued to a person, a district court of this state, within the district where 13 the induiry is carried on or where a person duilty of 14 contumacy or refusal to obey is found, resides, or transacts 15 16 business, has jurisdiction to issue to that person an order 17 requiring him to appear before the department or its duly 18 authorized agent and to produce evidence if so ordered or to 19 give testimony regarding the matter under investigation. Failure to obey the order of the court may be punished by 20 21 the court as a contempt.

(3) A person may not be excused from attending and
testifying or from producing books, records, correspondence,
documents, or other evidence in obedience to the subpoena of
the department on the ground that the testimony or evidence

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1 required of him may tend to incriminate him or subject him z to a penalty or forfeitures: An-~individual~-may--not--be 3 prosecuted-or-subjected-to-a-penalty-or-forfeiture-for-or-on 4 account-of-a-transactiony-mattery-or-thing-concerning-which 5 he-is-compelled-to-testify-or-produce-evidence-after--having 6 7 individual-so-testifying but no compelled testimony or 8 evidence or any information directly or indirectly derived 9 from such testimony or evidence may be used against the 10 witness in any criminal prosecution, except that the witness 11 is not exempt from prosecution and punishment for periury 12 committed in testifying."

13 Section 3. Section 46-4-305, MCA, is amended to read: 14 "46-4-305. Self-incrimination and immunity. (1) No 15 person subpoenaed to give testimony pursuant to this part 16 may be required to make any statement or produce any 17 evidence which may incriminate him. The attorney general or 18 the county attorney may, with the approval of the justice or 19 judge who authorized the issuance of the subpoena on behalf 20 of the state, grant <u>immunity to</u> any person subpoenaed 21 + amunity-from-prosecution-or-punishment-for-or-on-account-of 22 any--transaction-or-other-motter-concerning-which-the-person 23 testifies-or-produces-evidence-pursuant-to--the--subscens. 24 After being granted such immunity, no person may be excused 25 from testifying on the grounds that his testimony may LC 0819/01

incriminate him<u>: but no compelled testimony or evidence or</u> any information directly or indirectly derived from such testimony or evidence may be used against the witness in any criminal prosecution. The immunity may not extend to prosecution or punishment for false statements given pursuant to the subpoena.

7 (2) Nothing in this part requires a witness to divulge
8 the contents of a privileged communication unless the
9 privilege is waived as provided by law."

10 Section 4. Section 46-15-311, NCA, is amended to read: 11 "46-15-311. Compelling testimony or production of 12 evidence --- immunity. Before or during trial in any judicial 13 proceeding, a justice of the supreme court or judge of the 14 district court, upon request by the attorney prosecuting or 15 counsel for the defense, may require a person to answer any question or produce any evidence that may incriminate him. 16 17 If a person is required to give testimony or produce 18 evidence in accordance with this section in any investigation or proceeding, he-cannot-be-prosecuted-or 19 20 subjected-to--any--penalty--pr--forfeiturey--other--than--a 21 prosecution--or--action--for--periury-or-contempty-for-onaccount-of-any--transactiony--mattery--or--thing--concerning 22 23 which---he--testified--or--produced--evidence no compelled testimony or evidence or any information directly or 24 25 indirectly derived from such testimony or evidence may be

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1 used against the witness in any criminal prosecution, except

- 2 that the witness is not exempt from prosecution and
- 3 punishment for perjury committed in testifying."

-End-

Approved by Committee on Judiciary

INTRODUCED BY Turnage Hyllder Bob Bound 1 2 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN A WITNESS IS GIVEN IMMUNITY AND COMPELLED TO TESTIEV OR 5 6 PRODUCE EVIDENCE, THE TESTIMONY, EVIDENCE, OR INFORMATION 7 DERIVED FROM IT MAY NOT BE USED AGAINST HIM IN A CRIMINAL 8 PROSECUTION: DELETING PROVISIONS THAT THE WITNESS MAY NOT BE 9 PROSECUTED FOR TRANSACTIONS HE TESTIFIES ABOUT: AMENDING 10 SECTIONS 30-10-304, 30-14-221, 46-4-305, AND 46-15-311, 11 HCA.

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 determine, as to all the facts and circumstances concerning
 the matter to be investigated; and

4 (c) publish information concerning any violation of
5 parts 1 through 3 of this chapter or any rule or order
6 hereunder.

7 (2) For the purpose of any investigation or proceeding 8 under parts 1 through 3 of this chapter, the commissioner or Q any officer designated by him may administer oaths and 10 affirmations, subpoena witnesses, compel their attendance, 11 take evidence, and require the production of any books. 12 papers, correspondence, memoranda, agreements, or other 13 documents or records which the commissioner deems relevant 14 or material to the inquiry.

15 (3) In case of contumacy by or refusal to obey a 16 subpoena issued to any person, any court of competent 17 jurisdiction, upon application by the commissioner, may 18 issue to that person an order requiring him to appear before 19 the commissioner or the officer designated by him, there to 20 produce documentary evidence if so ordered or to give 21 evidence touching the matter under investigation or in 22 question. Any failure to obey the order of the court may be 23 punished by the court as a contempt of court.

24 (4) No person is excused from attending and testifying25 or from producing any document or record before the

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l commissioner or in obedience to the subpoena of the 2 commissioner or any officer designated by him, or in any 3 proceeding instituted by the commissioner, on the ground 4 that the testimony or evidence (documentary or otherwise) 5 required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual--may-be 6 7 prosecuted-or-subjected-to-any-penalty-or-forfeiture-for-or 8 on-account-of-any-transactiony-mattery-or--thing--concerning 9 which--he-is-compelledy-after-claiming-his-privilege-against 10 self-inerimination---to---testify---or---produce---evidence 11 (documentory--or-otherwise), compelled testimony or evidence 12 or any information directly or indirectly derived from such 13 testimony or evidence may be used against the witness in any criminal case, except that the individual-so-testifying 14 shall witness is not be exempt from prosecution and 15 punishment for perjury committed in so testifying." 16

Section Z. Section 30-14-221, MCA, is amended to read: 17 *30-14-221. Investigations. (1) The department, for 18 19 the purpose of conducting hearings and investigations which in the opinion of the department are necessary and proper 20 for the exercise of the powers vested in it by this part, 21 shall at all reasonable times have access to any evidence 22 concerning a person being investigated or proceeded against 23 24 that relates to any matter under investigation or in 25 question and the right to copy such evidence. The department

ł may issue subpoenas requiring the attendance and testimony 2 of witnesses and the production of any evidence that relates to any matter under investigation or in question before the 3 4 department or before its duly authorized agent conducting 5 investigation. An agent, duly authorized by the the department for those purposes, may administer oaths and 6 7 affirmations, examine witnesses, and receive evidence. The attendance of witnesses and the production of evidence may 8 be required from any place in this state at any designated 9 place of hearing. 10

(2) Upon application by the department in a case of 11 contumacy or refusal to obey a subpoena issued to a person. 12 13 a district court of this state, within the district where the inquiry is carried on or where a person guilty of 14 15 contumacy or refusal to obey is found, resides, or transacts business, has jurisdiction to issue to that person an order 16 17 requiring him to appear before the department or its duly authorized agent and to produce evidence if so ordered or to 18 19 give testimony regarding the matter under investigation. Failure to obey the order of the court may be punished by 20 21 the court as a contempt.

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13 Section 3. Section 46-4-305. MCA. is amended to read: 14 #46-4-305. Self-incrimination and immunity. (1) No person subpoenaed to give testimony pursuant to this part 15 may be required to make any statement or produce any 16 evidence which may incriminate him. The attorney general or 17 the county attorney may, with the approval of the justice or 18 19 judge who authorized the issuance of the subpoena on behalf of the state, grant immunity to any person subpoenaed 20 immunity-from-prosecution-or-punishment-for-or-on-account-of 21 any--transaction-or-other-matter-concerning-which-the-person 22 testifies-or-produces-evidence--pursuant--to---the---subpoens. 23 After being granted such immunity, no person may be excused 24 25 from testifying on the grounds that his testimony may

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1 <u>used against the witness in any criminal prosecution, except</u>

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48th Legislature

LC 0819/01

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INTRODUCED BY Turnerge Halling Bob Brown

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the inquiry is carried on or where a person quilty of 14 contumacy or refusal to obey is found, resides, or transacts 15 16 business, has jurisdiction to issue to that person an order 17 requiring him to appear before the department or its duly 18 authorized agent and to produce evidence if so ordered or to 19 give testimony regarding the matter under investigation. Failure to obey the order of the court may be punished by 20 21 the court as a contempt.

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13 Section 3. Section 46-4-305, MCA, is amended to read: "46-4-305. Self-incrimination and immunity. (1) No 14 person subpoenaed to give testimony pursuant to this part 15 may be required to make any statement or produce any 16 evidence which may incriminate him. The attorney general or 17 18 the county attorney may, with the approval of the justice or judge who authorized the issuance of the subpoena on behalf 19 20 of the state, grant immunity to any person subpoenaed 21 immunity-from-prosecution-or-punishment-for-or-on-account-of any--transaction-or-other-matter-concerning-which-the-person 22 23 testifies-or-produces-evidence--pursuant--to--the--subpoend. After being granted such immunity, no person may be excused 24 25 from testifying on the grounds that his testimony may

incriminate him: but no compelled testimony or evidence or 1 any information directly or indirectly derived from such 2 testimony or evidence may be used against the witness in any 3 4 criminal prosecution. The immunity may not extend to 5 prosecution or punishment for false statements given pursuant to the subpoena. 6 7 (2) Nothing in this part requires a witness to divulge 8 the contents of a privileged communication unless the 9 privilege is waived as provided by law." 10 Section 4. Section 46-15-311, MCA, is amended to read: 11 #46-15-311. Compelling testimony or production of 12 evidence --- immunity. Before or during trial in any judicial 13 proceeding, a justice of the supreme court or judge of the 14 district court, upon request by the attorney prosecuting or 15 counsel for the defense, may require a person to answer any 16 question or produce any evidence that may incriminate him. 17 If a person is required to give testimony or produce 18 evidence in accordance with this section in any 19 investigation or proceeding. he--cannot--be-prosecuted or 20 subjected--to--any--pensity--or--forfeiturey--other--than--a 21 prosecution--or--action--for--perjury-or-contempty-for-or-on 22 account-of-any--transactiony--mattery--or--thing--concerning 23 which---he--testified--or--produced--evidence no_compelled 24 testimony or evidence or any information directly or 25 indirectly__derived__from__such testimony_or_evidence_may_be

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1 Used against the witness in any criminal prosecution, except

- 2 that the witness is not exempt from prosecution and
- 3 punishment for perjury committed in testifying."

-End-

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AMENDMENTS TO SENATE BILL 201

March 23, 1983

Third Reading Copy (blue)

be amended as follows:

Title, line 9. 1. Following: "ABOUT" Insert: ", BUT PROVIDING THAT WHEN THE PROSECUTOR DETERMINES THAT IT IS IN THE INTEREST OF JUSTICE, HE MAY GRANT THE WITNESS IMMUNITY FROM PROSECUTION FOR SUCH TRANSACTIONS"

2. Page 3, line 14. Following: "case"

", except" through "testifying" on line 16 Strike: Insert: "Nothing in this section prohibits the commissioner from granting immunity from prosecution for or on account of any transaction, matter, or thing concerning which a witness is compelled to testify if the commissioner determines, in his sole discretion, that the ends of justice would be served thereby. Immunity may not extend to prosecution or punishment for false statements given pursuant to the subpoena."

3. Page 5, line 10. Following: "prosecution" Strike: ", except" through "testifying" on line 12 "Nothing in this section prohibits the commissioner from Insert: granting immunity from prosecution for or on account of any transaction, matter, or thing concerning which a witness is compelled to testify if the commissioner determines, in his sole discretion, that the ends of justice would be served thereby. Immunity may not extend to prosecution or punishment for false statements given pursuant to the subpoena."

4. Page 5, line 20. Strike: "immunity to" Following: "subpoenaed"

Insert: "immunity from the use of any compelled testimony or evidence or any information directly or indirectly derived from such testimony or evidence against that person in any criminal prosecution. Nothing in this section prohibits a prosecutor from granting immunity from prosecution for or on an account of any transaction, matter, or thing concerning which a witness is compelled to testify if the prosecutor determines, in his sole discretion, that the ends of justice would be served thereby"

5. Page 5, line 24. Strike: "such"

6. Page 6, line 1. Following: "him" Strike: "; but" through "prosecution" on line 4. 7. Page 7, line 1. Following: "prosecution" Strike: ", except" through "testifying" on line 3 Insert: "Nothing in this section prohibits a prosecutor from granting immunity from prosecution for or on account of any transaction, matter, or thing concerning which a witness is compelled to testify if the prosecutor determines, in his sole discretion, that the ends of justice would be served thereby. Immunity may not extend to prosecution or punishment for false statements given in any testimony required under this section."

AND AS AMENDED BE CONCURRED IN SB 0201/02

1	SENATE BILL NO. 201	1
2	INTRODUCED BY TURNAGE, MAZELBAKER, B. BROWN	z
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN A	4
5	WITNESS IS GIVEN IMMUNITY AND COMPELLED TO TESTIFY OR	5
6	PRODUCE EVIDENCE, THE TESTIMONY, EVIDENCE, OR INFORMATION	6
7	DERIVED FROM IT MAY NOT BE USED AGAINST HIM IN A CRIMINAL	7
8	PROSECUTION; DELETING PROVISIONS THAT THE WITNESS MAY NOT BE	8
9	PROSECUTED FOR TRANSACTIONS HE TESTIFIES ABOUT <u>a bui</u>	9
10	<u>PROVIDING THAT WHEN THE PROSECUTOR DETERMINES THAT IT IS IN</u>	10
11	INE_INTEREST OF JUSTICE, HE MAY GRANT THE MITNESS IMMUNITY	11
12	ERON_PROSECUTION_FOR_SUCH_IBANSACIIONS; AMENDING SECTIONS	12
13	30-10-304, 30-14-221, 46-4-305, AND 46-15-311, MCA."	13
14		14
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15
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18	commissioner in his discretion may:	18
19	(a) make such public or private investigations or	19
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21	necessary to determine whether any registration should be	21
22	granted, denied, or revoked or whether any person has	22
23	violated or is about to violate any provision of parts 1	23
24	through 3 of this chapter or any rule or order hereunder or	24
25	to aid in the enforcement of parts 1 through 3 of this	25

(b) require or permit any person to file a statement
in writing, under oath or otherwise as the commissioner may
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(c) publish information concerning any violation of
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§ {2} For the purpose of any investigation or proceeding

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17 (3) In case of contumacy by or refusal to obey a 18 subpoend issued to any person, any court of competent 19 jurisdiction, upon application by the commissioner, may 20 issue to that person an order requiring him to appear before 21 the commissioner or the officer designated by him, there to 22 produce documentary evidence if so ordered or to give 23 evidence touching the matter under investigation or in 24 question. Any failure to obey the order of the court may be 25 punished by the court as a contempt of court.

> -2- SB ZO1 REFERENCE BILL

(4) No person is excused from attending and testifying 1 2 or from producing any document or record before the 3 commissioner or in obedience to the subpoend of the commissioner or any officer designated by him, or in any 4 proceeding instituted by the commissioner, on the ground 5 that the testimony or evidence (documentary or otherwise) 6 7 required of him may tend to incriminate him or subject him 8 to a penalty or forfeiture; but no individual--may--me 9 prosecuted--or-subjected-to-any-penalty-or-forfelture-for-or 10 on-account-of-any-transacttony-mattery-ar--thing--concerning 11 which--he-is-compettedy-ofter-ctaiming-his-privitage-agoinst saif-incriminationy---to---testify---or---produce---evidence 12 13 (documentary--or-otherwise)y compelled testimony or evidence 14 or_any_information_directly_or_indirectly_derived_from_such 15 testimony or evidence may be used against the witness in any criminal __cases--except--that--the--individual-so-testifying 16 shall witness__is--not--be--exempt--from--prosecution---ond 17 sunishment--for-perjury-committed-in-so-testifying. NOIHING 18 IN_THIS_SECTION_PROHIBITS_THE_COMMISSIONER_EROM_GRANTING 19 IMMUNITY FROM PROSECUTION FOR DR. ON ACCOUNT DE ANY 20 TRANSACTION, MATTER, OR THING CONCERNING WHICH A WITNESS IS 21 COMPELLED_TO_TESTIFY_IF_THE_COMMISSIONER_DETERMINES._IN_HIS 22 SOLE_DISCRETIONS_THAT_THE_ENDS_OF_JUSTICE__HOULD_BE__SERVED 23 IHEREBY ____ INHUNITY ___ MAY ___ NOT __ EXTEND _ TO __ PROSECUTION __ OR 24 25 PUNISHMENT_EQB_EALSE_STATEMENTS_GIVEN_PURSUANT_TO_THE

-3-

1 SUBPOENA."

z Section 2. Section 30-14-221. MCA. is amended to read: а. "30-14-221. Investigations. (1) The department, for 4 the purpose of conducting hearings and investigations which 5 in the opinion of the department are necessary and proper 6 for the exercise of the powers vested in it by this part, 7 shall at all reasonable times have access to any evidence 8 concerning a person being investigated or proceeded against 9 that relates to any matter under investigation or in 10 question and the right to copy such evidence. The department 11 may issue subpoenas requiring the attendance and testimony 12 of witnesses and the production of any evidence that relates 13 to any matter under investigation or in question before the 14 department or before its duly authorized agent conducting 15 the investigation. An agent, duly authorized by the 16 department for those purposes, may administer oaths and 17 affirmations, examine witnesses, and receive evidence. The 18 attendance of witnesses and the production of evidence may 19 be required from any place in this state at any designated 20 place of hearing.

21 (2) Upon application by the department in a case of 22 contumacy or refusal to obey a subpoend issued to a person, 23 a district court of this state, within the district where 24 the inquiry is carried on or where a person guilty of 25 contumacy or refusal to obey is found, resides, or transacts

-4-

SB 201

SB 201

SB 201

business, has jurisdiction to issue to that person an order
 requiring him to appear before the department or its duly
 authorized agent and to produce evidence if so ordered or to
 give testimony regarding the matter under investigation.
 Failure to obey the order of the court may be punished by
 the court as a contempt.

(3) A person may not be excused from attending and 7 8 testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of 9 the department on the ground that the testimony or evidence 10 11 required of him may tend to incriminate him or subject him 12 to a penalty or forfeitures: An--individual--may--not--be 13 prosecuted-or-subjected-to-a-penalty-or-forfeitura-for-or-on account -- of-a-transactiony-mattery-or-thing-concerning-which 14 15 he-is-competied-to-testify-or-produce-evidence-after--having ctatmed---his---privilege---against--self-incriminations--An 16 individual-so--testifying but no compalled testimony or 17 evidence or any information directly or indirectly derived 18 from_such_testimony_or_evidence__may_be_used_against_the 19 20 witness_in_any_criminal_prosecutionx=except=thet=the=witness +---net--exempt--from-prosecution-and-punishment-for-perjury 21 committed-in-testifying. NOIHING IN_THIS_SECTION_PROHIBITS 22 23 THE COMMISSIONER FROM GRANIING IMMUNITY FROM PROSECUTION FOR OB __ ON __ ACCOUNT_ OF ANY _ IRANSACIICN. MAITER. OR _ IHING 24 25 CONCEPNING HHICH A WITNESS IS COMPELLED TO TESTIEY IF THE

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2	ENDS_OF_JUSTICE_WOULD_BE_SEBVED_THEREBYIMMUNITY_MAYNOT
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4	GIVEN_PURSUANT_TO_THE_SUBPOENAL"
5	Section 3. Section 46-4-305, MCA, is amended to read:
6	#46-4-305. Self-incrimination and immunity. (1) No
7	person subpoenaed to give testimony pursuant to this part
8	may be required to make any statement or produce any
9	evidence which may incriminate him. The attorney general or
10	the county attorney may, with the approval of the justice or
11	judge who authorized the issuance of the subpoena on behalf
12	of the state, grant <u>tamunityto</u> any person subpoenaed
13	IMMUNITY_EROM_THE_USE_DE_ANY_COMPELLED_TESTIMONY_DR_EVIDENCE
14	ORANY_INEDRMAIION_DIRECTLY_OR_INDIRECTLY_DERIVED_EROM_SUCH
15	IESTIMOMY_OB_EVIDENCE_AGAINST_THAT_PERSON_IN_ANY_CRIMINAL
16	PROSECUTIONNOTHING_IN_THIS_SECTION_PROHIBITS_A_PROSECUTOR
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19	IS_COMPELLED_TO_TESTIFY_IE_THE_PROSECUIOR_DETERMINESIN_HIS
20	SOLE_QISCRETICN:_IHAT_THE_ENDS_OE_JUSTICEWOULDBESERVED
21	IHEREBY immunityfromprosecution-or-punishment-for-or-on
22	sccount-of-any-transaction-or-other-matter-concerningwhich
23	thepersontestifiesor-produces-evidence-pursuant-to-the
24	subpoend. After being granted such immunity, no person may
25	be excused from testifying on the grounds that his testimony

-6-

-5-

SB 201

1 may incriminate him<u>troutrourcompelled-testimony-actoridence</u> 2 <u>arconvrinfermation-directly-arcindirectly-derived-from-mauch</u> 3 <u>testimony-orrevidence-may=bs-used-against-the-witness-id-ady</u> 4 <u>criminal-protection</u>. The immunity may not extend to 5 prosecution or punishment for false statements given 6 pursuant to the subpoena.

7 (2) Nothing in this part requires a witness to divulge
8 the contents of a privileged communication unless the
9 privilege is waived as provided by law."

10 Section 4. Section 46-15-311, MCA, is amended to read: 11 #46-15-311. Compelling testimony or production of 12 evidence -- immunity. Before or during trial in any judicial 13 proceeding, a justice of the supreme court or judge of the 14 district court, upon request by the attorney prosecuting or 15 counsel for the defense, may require a person to answer any 16 question or produce any evidence that may incriminate him. 17 If a person is regulred to give testimony or produce evidence in accordance with this section in any 18 19 investigation or proceeding, he---connot--be-prosecuted-or 20 subjected--to--any--penatty--or--forfeiturey--other--than--a 21 prosecution--or--action--for--periuty-or-contempty-for-or 22 sccount-of-any--transactiony--matter--or--thing--concerning 23 which---he--testified--or--produced--evidence no__compelled 24 testimony or evidence or any information directly or 25 indirectly derived from such testimony or evidence may be

-7-

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THIS_SECTION_PROHIBITS_A_PROSECUTOR_FROM_ GRANTING_ INHUNITY
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- 8 DISCRETION ... THAT THE ENDS OF JUSTICE HOULD BE SERVED
- 10 PUNISHMENT_FOR_EALSE_STATEMENTS_GIVEN_IN_ANY_TESTIMONY
- 11 REQUIRED_UNDER_THIS_SECTION.*

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-End-

-8-

SB 201