

January 15, 1982

LB 525

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Is there any other discussion? All those in favor vote aye, opposed vote no. Have you all voted? This is the vote on the adoption of the committee amendments. Record.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments.

SPEAKER MARVEL: Motion carried. Committee amendments are adopted. Senator Sieck, do you wish to explain the bill?

SENATOR SIECK: Yes, Mr. President. Members of the body, we are laying something out on your desk at the present time to explain the bill, so if you have any questions if I can't answer it, there will be some attorneys here that can answer it. I will briefly explain the bill. The purpose of LB 525 is to limit the immunity granted witnesses who are compelled to testify in a court of law while at the same time granting these witnesses protection guaranteed them by the Fifth Amendment to the United States Constitution and Article I, Section 12 of the Constitution of this state. Quite simply, this legislation would change the type of immunity granted by Nebraska. LB 525 would change the law to provide only for use immunity while the present law granted a transactional type of immunity and I passed out handouts that attempt to explain the difference between transactional and use immunity. I will attempt to explain the difference in the very simplest terms. Under the present statute when an offender receives immunity and is compelled to testify, this offender would receive total immunity and could not be prosecuted on any related matter regarding his testimony. The problem obviously arises here when the offender is granted immunity because it discloses only the amount of information necessary to be set free and hesitates to elaborate in his testimony any more than absolute necessary. The second problem with the present transactional immunity is that in an instance where the two people conspired in the same crime, and one of these people received immunity and testifies against the other, under present law one of these co-conspirators could get a harsh penalty while the other one could walk away with no possibility of persecution. These are the problems with the present transactional immunity offered in the statutes. The use immunity offered in LB 525 would change this because an offender could be prosecuted. Obviously the more such a person tells the better situation this offender will be in his own trial due to his or her cooperation. A letter I distributed to the Omaha Senators earlier this week contained a quote that I