

an individual who has been granted immunity so that individual may testify effectively with impunity and when that individual refuses to testify that individual may be arrested and tried for criminal contempt.

SENATOR CHAMBERS: And what is the punishment if the person continues to refuse to testify?

SENATOR V. JOHNSON: Imprisonment.

SENATOR CHAMBERS: And for how long will the person be imprisoned?

SENATOR V. JOHNSON: I don't recall whether we have a specific statutory length or whether that is totally up to the discretion of the court. My recollection is that general speaking it is totally up to the discretion of the court.

SENATOR CHAMBERS: And generally the court will say until you purge yourself of your contempt which means to do what the court has ordered you to do?

SENATOR V. JOHNSON: That is correct.

SENATOR CHAMBERS: Suppose a person is in a situation, say for example like bid rigging where there can be a federal and a state prosecution. In the present situation although the federal government has granted immunity, the Attorney General for the state said he will not grant immunity. So suppose a person were not certain that what he or she had done would be the basis for a prosecution at the federal level but is unsure, and because of that possibility refuse to testify even though granted state immunity because of the possibility of a federal charge which may carry a substantial penalty, how long would that person have to stay arrested?

SENATOR V. JOHNSON: That person could well remain in jail for many months.

SENATOR CHAMBERS: Thank you. Members of the Legislature, the reason I wanted to get some of this into the record in this fashion is so you won't think that I am trying to slip you a fast one. There is a serious constitutional issue involved here, a protection for the citizen. Now if you feel that a person should be compelled to testify against himself or herself, then what I am saying will have no relevancy as far as you are concerned anyway and you would vote for the bill regardless of whether immunity