

You don't bargain about whether you're going to testify. The immunity is granted and all it really means...

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: ...thank you, Mr. Chairman, all it really means is that the court has put you in a position where you must testify and if you don't you will go to jail for contempt. So remember, a plea bargain is where you try to arrive at a meeting of the minds on what you are going to do, the prosecution and the defense. With the immunity, once the immunity is granted by the court, it is really a statement or an order compelling you to testify even though you may incriminate yourself or go to jail. So I am asking that this bill be returned to strike the enacting clause. And if you have any more questions, if the bill is returned, then I'd be willing to...of course Senator Sieck had the time that he said he needed so maybe he's got the answers to the questions.

SPEAKER MARVEL: The Chair recognizes Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, some of the statements that Senator Chambers has made is true but it is true only to its context. Actually this is a change of immunity from transaction to use immunity and if he gives the use immunity he is immune and I think Chambers was saying that he could not be immune but he is immune. The only difference is that it is a transaction immunity, then that means that transaction, whatever it may be, if it is murder and he is involved with that murder and he is offered immunity because of that murder, he is given immunity for the total amount. But in use immunity that means that everything that he says he is granted immunity but if there is something found later that would be against him and he would be involved with the murder, then that could be used against him but whatever he said as far as the immunity, he is granted immunity. So I feel Chambers is just a little bit off. He is still granted immunity but the only difference is he is granted full immunity to the transaction and all this law does is change it from transaction to use and that means everything that he says, he will be immune to that particular situation. 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 that testimony. A problem obviously arises here when the offender is granted immunity because he discloses only the amount of information necessary to be set free and hesitates to elaborate in his testimony any more than is absolutely necessary. And what this would do, it would encourage that individual to