

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 322

(By Mr. Bratherton and Mr. Cartright)

PASSED March 6 1969

In Effect for Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69

322

ENROLLED
Senate Bill No. 322

(By MR. BROTHERTON and MR. CARRIGAN)

[Passed March 6, 1969; in effect from passage.]

AN ACT to amend article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-a, relating to compelling a witness to give evidence that may incriminate or tend to incriminate him and granting him immunity from prosecution resulting therefrom, all relating to a committee or commission of the Legislature created by general law or concurrent resolution.

Be it enacted by the Legislature of West Virginia:

That article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-a, to read as follows:

ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAG; RECORDS.

§4-1-5a. When witness may be compelled to give evidence against himself; immunity of witness from prosecution.

1 In any proceeding by a committee or commission of the
2 Legislature, created by it by general law or any concurrent
3 resolution, which has the authority to issue subpoenas or
4 subpoenas duces tecum, no person shall be excused from
5 testifying or from producing documentary or other evidence
6 upon the ground that such testimony or evidence
7 may incriminate or tend to incriminate him, if the committee
8 or commission before which he is examined is of the
9 opinion that the ends of justice may be promoted by
10 compelling such testimony or evidence. If, but for this
11 section, the person would have been excused from so testifying
12 or from producing such evidence, then if the person
13 is so compelled to testify or produce other evidence and if
14 such testimony or evidence is self-incriminating, such
15 self-incriminating testimony or evidence shall not be used

16 or receivable in evidence against him in any proceeding
17 against him thereafter taking place other than a prosecu-
18 tion for perjury in the giving of such evidence, and the
19 person so compelled to testify or furnish evidence shall
20 not be prosecuted for the offense in regard to which he is
21 so compelled to testify or furnish evidence, and he shall
22 have complete legal immunity in regard thereto.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William T. Ryan
Chairman Senate Committee

Phyllis J. Rutledge
Vice Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyda J. Jones
President of the Senate

Ivor F. Boiesky
Speaker House of Delegates

The within approved this the 14th
day of March, 1969.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/11/69

Time 2:00 p.m.

RECEIVED

MAR 17 9 03 PM '69

OFFICE OF
SECRETARY OF STATE
STATE OF VIRGINIA