

HOUSE No. 1467

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding testimony after grant of immunity to a witness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/16/2015</i>
<i>Marian Ryan</i>	<i>District Attorney 15 Commonwealth Avenue Woburn, MA 01801</i>	<i>1/16/2015</i>

HOUSE No. 1467

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 1467) of Jay D. Livingstone and Marian Ryan relative to instituting contempt proceedings against witnesses who have been granted immunity and refuse to testify. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act regarding testimony after grant of immunity to a witness.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 20H of Chapter 233 of the General Laws, as appearing in the 2015
2 Official Edition, is hereby amended by striking the existing section and replacing it with the
3 following:

4 Section 20H. If a witness has been granted immunity pursuant to the provisions of section
5 twenty E by a justice of the supreme judicial court, the appeals court, or the superior court, and
6 thereafter refuses to testify or produce evidence after being so ordered by such justice, the
7 attorney general or district attorney shall institute contempt proceedings against such witness in
8 the court where the alleged contempt occurred, and, after hearing or trial, if such witness is
9 adjudged in contempt of court, he shall be punished, if he has attained the age of eighteen, by
10 imprisonment in the state prison or the house of correction for a term not to exceed the maximum
11 penalty for the crime which is the subject of the grand jury investigation or criminal proceeding,
12 or until he complies with the order of the court, whichever occurs first. A witness who has not

13 attained the age of eighteen shall, if found in contempt, be committed to the Department of
14 Youth Services for a period not to exceed one year, or until he complies with the order of the
15 court, whichever occurs first. The rules of practice and procedure relative to criminal appeals as
16 provided by the Massachusetts Rules of Criminal Procedure and the Massachusetts Rules of
17 Appellate Procedure shall apply to appeals under this section.