

CHAPTER 293.

An act to add a new section to the Penal Code to be numbered section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The Penal Code is hereby amended by the addition of a new section numbered 1324, to read as follows:

1324. A person hereafter offending against any of the provisions of this code or against any law of this state, is a competent witness against any other person so offending, and may be compelled to attend and testify and produce any books, papers, contracts, agreements or documents upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying or from producing such books, papers, contracts, agreements or documents on the ground that his testimony or that the production of such books, papers, contracts, agreements or documents may incriminate himself, he shall not be excused, but in that case the testimony so given and the books, papers, contracts, agreements and documents so produced shall not be used in any criminal prosecution or proceeding against the person so testifying, except for perjury in giving such testimony, and he shall not be liable thereafter to prosecution by indictment, information, or presentment, or to prosecution nor punishment for the offense with reference to which his testimony was given, or for or on account of any transaction, matter or thing concerning which he may have testified or produced evidence, documentary or otherwise.

Witness not to be prosecuted upon testimony of himself.

No such person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid, or for or on account of any transaction, matter or thing concerning which he may have testified as aforesaid, or produced evidence, documentary or otherwise, where such person so testifying or so producing evidence, documentary or otherwise, does so voluntarily or when such person so testifying or so producing evidence fails to ask to be excused from testifying or so producing evidence, on the ground that his testimony or such evidence, documentary or otherwise, may incriminate himself; but in all such cases, the testimony or evidence, documentary or otherwise, so given may be used in any criminal prosecution or proceeding against the person so testifying or producing such evidence, documentary or otherwise.

Person not exempt if testimony is voluntary.

Any person shall be deemed to have asked to be excused from testifying or producing evidence, documentary or otherwise,

Person deemed to have asked to be excused unless section is read.

under this section, unless before any testimony is given or evidence, documentary or otherwise, is produced by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section of this code to such witness, and the form of the objection by the witness shall be immaterial, if he in substance makes objection that his testimony or the production of such evidence, documentary or otherwise, may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify, or for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, upon such trial, hearing, proceeding or investigation.

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CHAPTER 294.

An act to amend section one of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act.

[Approved March 24, 1911.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled, "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," (approved March 16, 1889), is hereby amended so as to read as follows:

Appropriation: revolving fund, San Quentin.

Section 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide and maintain a permanent revolving fund for the purchase of jute for the state prison. All moneys taken therefrom to be used exclusively in payment for jute to be used in manufacturing in said state prison; and so much of the money received from the sale of any goods manufactured from said jute shall be returned to the said revolving fund, so that the fund shall contain two hundred thousand dollars before any of the proceeds from the sale of said manufactured goods are used for any other purpose than the purchase of jute. Whenever said "revolving fund"