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By Mr. Travaline of Somerville, petition of Joseph T. Travaline and another for authorizing the granting of immunity to a woman upon whom an illegal abortion was performed. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Sixty-Eight.

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AN ACT AUTHORIZING THE GRANTING OF IMMUNITY TO A WOMAN UPON WHOM AN ILLEGAL ABORTION WAS PERFORMED.

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

1 Chapter 272 of the General Laws is hereby amended by  
2 inserting after section 19 the following section:—

3 *Section 19A.* In any investigation or proceeding before a  
4 competent authority as defined in subsection (a) relating to  
5 criminal offenses in section nineteen and twenty of chapter  
6 two hundred and seventy-two, if a woman upon whom it is  
7 alleged an illegal abortion was performed refuses to answer a  
8 question or produce evidence of any kind on the ground that  
9 she may be incriminated thereby, and, notwithstanding such  
10 refusal, an order is made by such competent authority that  
11 such woman answer the question or produce the evidence,  
12 such woman shall comply with the order. If such woman  
13 complies with the order, and if, but for this section, she would  
14 have been privileged to withhold the answer given or the  
15 evidence produced by her, then immunity shall be conferred  
16 upon her, as provided in subsection (b).

17 (a) "Competent authority," as used in this section  
18 means:

19 (1) The court before whom a woman is called to answer  
20 questions or produce evidence in a criminal proceeding other  
21 than a proceeding before a grand jury, when such court is  
22 expressly requested by the district attorney or the attorney

23 general to order such woman to give answer or produce  
24 evidence; or

25 (2) The grand jury before which a woman is called to  
26 answer questions or produce evidence, when such grand  
27 jury is expressly requested by the district attorney or the  
28 attorney general to order such person to give answer or  
29 produce evidence.

30 (b) "Immunity," as used in this section means that such  
31 woman shall not be prosecuted or subjected to any penalty or  
32 forfeiture for or on account of any transaction, matter or  
33 thing concerning which, in accordance with the order by  
34 competent authority, she gave answer or produced evidence,  
35 and that no such answer given or evidence produced shall be  
36 received against her upon any criminal proceeding. But she  
37 may nevertheless be prosecuted or subjected to penalty or  
38 forfeiture for any perjury or contempt committed in answer-  
39 ing, or failing to answer, or in producing, or failing to produce  
40 evidence, in accordance with the order, and any such answer  
41 given or evidence produced shall be admissible against her  
42 upon any criminal proceeding concerning such perjury or  
43 contempt.

44 *Section 81.* If, after compliance with the provisions of  
45 section eighty, or any other similar provision of law, a woman  
46 is ordered to answer a question or produce evidence of any  
47 other kind and complies with such order, and it is thereafter  
48 determined that the appropriate district attorney or the  
49 attorney general having an official interest therein was not  
50 notified, such failure or neglect shall not deprive such  
51 woman of any immunity otherwise properly conferred upon  
52 her.