

bia, if such bill be amended in accordance with certain of the suggestions proposed in the report of the Department of Justice to your committee. As so amended, S. 1148 would provide that section 401 of the Revised Statutes of the United States relating to the District of Columbia be amended to read as follows:

"Sec. 401. (a) Whenever in a criminal proceeding there is reasonable ground to believe that any person is a material and necessary witness to the commission of any crime or attempt to commit any crime punishable by imprisonment for one year or more, and there is a reasonable probability that such person will not be available to testify at the trial of the person charged with such offense, such person so believed to be a material and necessary witness shall be taken by a member of the Metropolitan Police force, or by a Federal law enforcement officer, without unnecessary delay, before a judge of the United States District Court for the District of Columbia or a judge of the District of Columbia Court of General Sessions or a United States commissioner. Such judge or commissioner shall afford such person a hearing and shall, prior to commencing the hearing, advise such person that he is entitled to be represented by counsel. Such judge or commissioner may, after a hearing is afforded to such person and such judge or commissioner is satisfied by testimony given under oath that such person is a material and necessary witness and that there is reasonable probability that such person will not be available at the trial as provided in this subsection, require such witness to post bond or collateral as security that he will appear and testify at such trial or, upon his failure to post such bond or collateral after a reasonable opportunity to do so, to order his further detention until such time as he appears and gives testimony in such criminal case or until such criminal case has been finally disposed of otherwise. The detention, as herein provided, of any such witness shall not constitute an arrest within the meaning of that term as used in any other law or in any rule or regulation. No statement made by such witness in the course of his detention as authorized by this section shall be used in a prosecution against him for the commission of any crime.

"(b) A person detained as a material and necessary witness pursuant to this section shall, for the period beginning with his detention and until he is discharged from detention, be entitled to be paid amounts equivalent to the amounts payable to witnesses testifying in the United States District Court for the District of Columbia.

"(c) Whenever a material and necessary witness is ordered detained by a judge or commissioner, such judge or commissioner shall order the deposition of such witness taken as soon as it is feasible to do so. Each person charged with the crime or crimes in connection with which such deposition has been ordered taken shall, if such person be in custody or be at large on bail, be present at the taking of the deposition of the witness and shall be entitled to be represented by counsel. The taking of such deposition shall be open to the public. After such deposition is taken, the judge or commissioner may order the release from detention of such witness. Such witness shall be released from detention if it appears to any such judge or commissioner that the witness has been detained for an unreasonable length of time. Notwithstanding any other provision of this section, such judge or commissioner may at any time modify the requirement as to bail, or release the witness on his own recognizance.

"(d) The Board of Commissioners shall provide suitable accommodations within the District of Columbia for the detention of persons who are unable to furnish security for their appearance as witnesses, as provided in subsection (a). Such accommodations shall be separate and apart from quarters used for the confinement of persons charged with crime. The said Commissioners may, in their discretion, enter into agreements with any Federal agency, including the United States courts, for the use of suitable space in a building under the jurisdiction of any such agency, and such agency is hereby authorized to allow the use of such space for the purpose of providing the accommodations required by this subsection. In carrying out the purposes of this Act, the said Commissioners may utilize any appropriate space in any building which is owned privately or which is owned or leased by the government of the District of Columbia. In the case of any witness detained by an officer other than an officer or member of the Metropolitan Police force, the District of Columbia shall be reimbursed for the accommodations furnished such witness at rates to be determined by the Commissioners.

"(e) Appropriations to carry out the purposes of this section are hereby authorized."