

"If a person lawfully refuses to answer or to provide other information on the basis of the privilege against self incrimination, the person may be compelled to testify in a proceeding to investigate or prosecute a violation of Article 27, § 132 or §§ 340 through 343 of the Code, if such offenses involve officers, directors, or employees of a savings and loan association."

On the other hand, the House Bill states in subsection (a) that:

"A person compelled to testify in a proceeding to investigate or prosecute a violation of Article 27, § 132 or §§ 340 through 343 of the Code, if such offenses involve officers, directors, or employees of a savings and loan association, is not excused from testifying or complying with a summons or subpoena because the answer or document may tend to incriminate him."

In addition, subsection (c) of Senate Bill 10 provides that:

"(1) If a person lawfully refuses to answer or to provide other information on the basis of the privilege against self incrimination, the court shall compel the witness to answer or otherwise provide information if:

(i) The prosecuting attorney requests in writing or on the record that the court order the person to answer or otherwise provide information, notwithstanding the person's claim of privilege; and

(ii) The court informs the person of the scope of immunity the witness will receive.

(2) The court shall enter its order compelling testimony in writing or on the record."

However, House Bill 10 merely states, in subsection (c), that:

"[T]his section shall be administered in accordance with Rule 4-631 of the Maryland Rules."1/

These differences are significant because Senate Bill 10 clearly places the burden on the witness to assert the privilege against self-incrimination rather than on the State to compel his or her testimony. ("If a person lawfully refuses to answer..."). The language of Maryland Rule 4-631 that is expressly included within the bill reemphasizes the point. On the other hand, the House Bill is open to an interpretation that the grant of immunity is automatic without the need of the witness to assert the privilege. The Court of Appeals has emphasized the need for