

General Assembly of Maryland". The former specific references to "Governor" and "mayor" are deleted as included within the illustrative examples of "public officer or employee" in subsection (a)(2) of this section.

In subsection (d) of this section, the former reference to a sentence being "in the discretion of the court" is deleted as implicit in the reference to a person being "subject to" a fine and imprisonment.

Also in subsection (d) of this section, the former reference to being "disfranchised and disqualified from holding any" office of trust or profit in the State is revised as "(2) may not vote; and (3) may not hold an" office of trust or profit in the State for clarity. See Md. Constitution, Art. I, § 6 and Art. III, § 50.

In subsection (e) of this section, the reference to a violation being "subject to § 5-106(b) of the Courts Article" is substituted for the former reference to the violation subjecting the defendant to imprisonment "in the penitentiary of this State" for clarity and consistency within this article. See General Revisor's Note to article.

In subsection (f)(2) of this section, the phrase "immune from prosecution for a crime about which the person was compelled to testify" is substituted for the former phrase "exempt from prosecution, ... for any such crime of which such person so testifying may have been guilty or a participant therein, and about which he was so compelled to testify" for clarity.

Also in subsection (f)(2) of this section, because immunity from prosecution precludes trial and punishment, the former references to "trial" and "punishment" are deleted as unnecessary.

For provisions on testimony from convicted perjurers and from compelled witnesses generally, see CJ §§ 9-104 and 9-123, respectively.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (f) of this section, which allows a witness to be compelled to testify and provides transactional immunity for that testimony, raises significant constitutional concerns under the 5th and 14th Amendments to the U.S. Constitution, and their State counterpart, Art. 22 of the Md. Declaration of Rights. See, e.g., *Evans v. State*, 333 Md. 660 (1994), cert. denied, 513 U.S. 833 (1994); *In re Criminal Investigation No. 1-162*, 307 Md. 674 (1986). The relevant constitutional provisions generally prohibit self-incrimination. The granting of some form of immunity against prosecution arising from compelled incriminating testimony does not, of itself, cure the constitutional defect. The General Assembly may wish to explore the scope of immunity that may be required to allow compelled testimony in harmony with federal and State constitutional precedent. This provision raises the same concerns as § 9-204(d) of this subtitle, *below*.

As to the authority of the legislature to enact penalties for common-law