

(I) MAY NOT REFUSE TO TESTIFY CONCERNING A CONSPIRACY TO VIOLATE THIS SECTION; BUT

(II) MAY BE COMPELLED TO TESTIFY AGAINST ANY PERSON WHO MAY HAVE CONSPIRED TO VIOLATE THIS SECTION.

(2) A PERSON COMPELLED TO TESTIFY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS A COMPETENT WITNESS.

(3) A PERSON COMPELLED TO TESTIFY FOR THE STATE UNDER THIS SECTION IS IMMUNE FROM PROSECUTION FOR A CRIME ABOUT WHICH THE PERSON WAS COMPELLED TO TESTIFY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 23 and 39.

In subsection (b) of this section, the reference to a person being guilty of "the misdemeanor" of bribery is added to state expressly that which only was implied by former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (b) 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.

In subsection (c) 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 the State" for clarity and consistency within this article. See General Revisor's Note to article.

In subsection (d)(1)(i) of this section, the reference to "violat[ing] of this section" is substituted for the former reference to "commit[ting] any of the offenses set forth in § 23 of this article" to reflect the reorganization of material on athletic contest bribery in this section. Similarly, in subsection (d)(1)(ii) of this section, the reference to "violat[ing] of this section" is substituted for the former reference to "commit[ting] any of the aforesaid offenses" for consistency and clarity.

In subsection (d)(1)(ii) of this section, the former reference to "persons" is deleted as included in the singular reference to "person". See Art. 1, § 8.

In subsection (d)(3) of this section, the reference to testifying "for the State" is added to reflect that only the State may grant immunity from prosecution.

Also in subsection (d)(3) 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 and