

all such crimes and offenses of which such person so testifying may have been guilty or a participant or a conspirator therein and about which he was so compelled to testify" for clarity and brevity.

Also in subsection (d)(3) of this section, the former reference to "trial and punishment" is deleted because immunity from "prosecution" precludes trial and punishment.

For provisions on testimony from compelled witnesses generally, see CJ 9-123.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (d) 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 § 9-201(f) of this subtitle, *above*.

Defined term: "Person" § 1-101

9-205. ACCEPTANCE OF BRIBE BY PERSON PARTICIPATING IN OR CONNECTED WITH ATHLETIC CONTEST.

(A) PROHIBITED.

A PERSON PARTICIPATING IN OR CONNECTED WITH AN ATHLETIC CONTEST MAY NOT ACCEPT A BRIBE TO ALTER THE OUTCOME OF THE ATHLETIC CONTEST.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 24.

In subsection (a) of this section, the former reference to an "amateur or professional athlete" is deleted as included in the defined term "person".

Defined term: "Person" § 1-101