

# SENATE BILL 224

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By: **Senators Raskin, Forehand, Frosh, Jones–Rodwell, Kittleman, Madaleno, Manno, Mathias, Middleton, Miller, Montgomery, Peters, Pugh, Ramirez, Young, and Zirkin**

Introduced and read first time: January 16, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 17, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Prosecutor and Deputy State Prosecutor – Witness Immunity –**  
3 **Compulsory Testimony**

4 FOR the purpose of altering the definition of “prosecutor” to include the State  
5 Prosecutor or Deputy State Prosecutor under provisions of law related to  
6 compulsory witness testimony and witness immunity under certain  
7 circumstances; making a stylistic change; and generally relating to immunity  
8 for witnesses in proceedings before a court or grand jury.

9 BY repealing and reenacting, with amendments,  
10 Article – Courts and Judicial Proceedings  
11 Section 9–123  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2013 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 9–123.

18 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1                   (2)    “Other information” includes any book, paper, document, record,  
2 recording, or other material.

3                   (3)    “Prosecutor” means:

4                   (i)    The State’s Attorney for a county;

5                   (ii)   A Deputy State’s Attorney;

6                   (iii) The Attorney General of the State; [or]

7                   (iv)  A Deputy Attorney General or designated Assistant  
8 Attorney General; **OR**

9                   **(V)   THE   STATE   PROSECUTOR   OR   DEPUTY   STATE**  
10 **PROSECUTOR.**

11           (b)   (1)   If a witness refuses, on the basis of the privilege against  
12 self–incrimination, to testify or provide other information in a criminal prosecution or  
13 a proceeding before a grand jury of the State, and the court issues an order to testify or  
14 provide other information under subsection (c) of this section, the witness may not  
15 refuse to comply with the order on the basis of the privilege against self–incrimination.

16           (2)   No testimony or other information compelled under the order, and  
17 no information directly or indirectly derived from the testimony or other information,  
18 may be used against the witness in any criminal case, except in a prosecution for  
19 perjury, obstruction of justice, or otherwise failing to comply with the order.

20           (c)   **(1)**   If an individual has been, or may be, called to testify or provide  
21 other information in a criminal prosecution or a proceeding before a grand jury of the  
22 State, the court in which the proceeding is or may be held shall issue, on the request of  
23 the prosecutor made in accordance with subsection (d) of this section, an order  
24 requiring the individual to give testimony or provide other information which the  
25 individual has refused to give or provide on the basis of the individual’s privilege  
26 against self–incrimination.

27           **(2)**   The order shall have the effect provided under subsection (b) of  
28 this section.

29           (d)   If a prosecutor seeks to compel an individual to testify or provide other  
30 information, the prosecutor shall request, by written motion, the court to issue an  
31 order under subsection (c) of this section when the prosecutor determines that:

32           (1)   The testimony or other information from the individual may be  
33 necessary to the public interest; and

1                   (2)     The individual has refused or is likely to refuse to testify or provide  
2 other information on the basis of the individual’s privilege against self–incrimination.

3                   (e)     If a witness refuses to comply with an order issued under subsection (c) of  
4 this section, on written motion of the prosecutor and on admission into evidence of the  
5 transcript of the refusal, if the refusal was before a grand jury, the court shall treat  
6 the refusal as a direct contempt, notwithstanding any law to the contrary, and proceed  
7 in accordance with Title 15, Chapter 200 of the Maryland Rules.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.