

UNOFFICIAL COPY OF SENATE BILL 309
CONSTITUTIONAL AMENDMENT

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6lr0867
CF 6lr2343

By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Bribery of a Public Official - Immunity**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to alter
4 the level of immunity that is required to be granted to certain individuals
5 compelled to testify in certain trials relating to bribery; making certain stylistic
6 changes; and submitting this amendment to the qualified voters of the State of
7 Maryland for their adoption or rejection.

8 BY proposing an amendment to the Maryland Constitution
9 Article III - Legislative Department
10 Section 50

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
13 concurring), That it be proposed that the Maryland Constitution read as follows:

14 **Article III - Legislative Department**

15 50.

16 It shall be the duty of the General Assembly, at its first session, held after the
17 adoption of this Constitution, to provide by Law for the punishment, by fine, or
18 imprisonment in the Penitentiary, or both, in the discretion of the Court, of any
19 person, who shall bribe, or attempt to bribe, any Executive, or Judicial officer of the
20 State of Maryland, or any member, or officer of the General Assembly of the State of
21 Maryland, or of any Municipal corporation in the State of Maryland, or any Executive
22 officer of such corporation, in order to influence [him] THE OFFICER OR MEMBER in
23 the performance of any of [his] THE OFFICER'S OR MEMBER'S official duties; and,
24 also, to provide by Law for the punishment, by fine, or imprisonment in the
25 Penitentiary, or both, in the discretion of the Court, of any of said officers, or
26 members, who shall demand, or receive any bribe, fee, reward, or testimonial, for the
27 performance of [his] THE OFFICER'S OR MEMBER'S official duties, or for neglecting,
28 or failing to perform the same; and, also, to provide by Law for compelling any person,
29 so bribing, or attempting to bribe, or so demanding, or receiving a bribe, fee, reward,
30 or testimonial, to testify against any person, or persons, who may have committed any

1 of said offenses; provided, that NO INFORMATION DIRECTLY OR INDIRECTLY
2 DERIVED FROM THE TESTIMONY OF any person, so compelled to testify, [shall be
3 exempted from trial and punishment for the offence, of which he may have been
4 guilty] MAY BE USED AGAINST THE PERSON IN ANY CRIMINAL CASE, EXCEPT IN A
5 PROSECUTION FOR PERJURY, OBSTRUCTION OF JUSTICE, OR FAILING TO COMPLY
6 WITH THE ORDER TO TESTIFY; and any person, convicted of such offense, shall, as
7 part of the punishment thereof, be forever disfranchised and disqualified from
8 holding any office of trust, or profit, in this State.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
10 determines that the amendment to the Maryland Constitution proposed by this Act
11 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
12 Maryland Constitution concerning local approval of constitutional amendments do
13 not apply.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
15 proposed as an amendment to the Maryland Constitution shall be submitted to the
16 legal and qualified voters of this State at the next general election to be held in
17 November, 2006 for their adoption or rejection in pursuance of directions contained in
18 Article XIV of the Maryland Constitution. At that general election, the vote on this
19 proposed amendment to the Constitution shall be by ballot, and upon each ballot
20 there shall be printed the words "For the Constitutional Amendment" and "Against
21 the Constitutional Amendment," as now provided by law. Immediately after the
22 election, all returns shall be made to the Governor of the vote for and against the
23 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
24 further proceedings had in accordance with Article XIV.