

# HOUSE BILL 244

E4

3lr0118

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By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 23, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Department of Public Safety and Correctional**  
3 **Services – Subpoena Power**

4 FOR the purpose of authorizing the Secretary of Public Safety and Correctional  
5 Services to subpoena, administer an oath to, and examine under oath any  
6 person under certain circumstances; repealing the authority of the  
7 Commissioner of Correction to subpoena, administer an oath to, and examine  
8 under oath any person under certain circumstances; establishing penalties for  
9 failure to appear or refusal to testify in response to a certain subpoena;  
10 establishing that a person who makes a false statement under oath before the  
11 Secretary is guilty of perjury and is subject to certain penalties; and generally  
12 relating to the powers of Department of Public Safety and Correctional Services  
13 officials.

14 BY adding to

15 Article – Correctional Services  
16 Section 2–113.1  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2012 Supplement)

19 BY repealing

20 Article – Correctional Services  
21 Section 3–204  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2012 Supplement)

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

26 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-113.1.**

2 (A) THE SECRETARY MAY SUBPOENA, ADMINISTER AN OATH TO, AND  
3 EXAMINE UNDER OATH, ANY PERSON IF THE SECRETARY CONSIDERS IT  
4 NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THE SECRETARY'S  
5 DUTIES.

6 (B) A PERSON WHO FAILS TO APPEAR BEFORE THE SECRETARY OR  
7 REFUSES TO TESTIFY WHEN SUBPOENAED UNDER THIS SECTION IS GUILTY OF A  
8 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
9 \$500.

10 (C) A PERSON WHO MAKES A FALSE STATEMENT UNDER OATH BEFORE  
11 THE SECRETARY IS GUILTY OF PERJURY AND ON CONVICTION IS SUBJECT TO  
12 THE PENALTY PROVIDED UNDER § 9-101 OF THE CRIMINAL LAW ARTICLE.

13 [3-204.

14 (a) The Commissioner may subpoena, administer an oath to, and examine  
15 under oath any person if the Commissioner considers that it is necessary for an  
16 effective administration of the Commissioner's duties.

17 (b) A person who fails to appear before the Commissioner or refuses to testify  
18 when subpoenaed under this section is guilty of a misdemeanor and on conviction is  
19 subject to a fine not exceeding \$50.

20 (c) A person who makes a false statement under oath before the  
21 Commissioner is guilty of perjury and on conviction is subject to the penalty provided  
22 in § 9-101 of the Criminal Law Article.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2013.