

## **Chapter 89**

**(House Bill 244)**

AN ACT concerning

### **Correctional Services – Department of Public Safety and Correctional Services – Subpoena Power**

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

BY adding to

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

BY repealing

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

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

#### **Article – Correctional Services**

##### **2–113.1.**

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

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

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

[3-204.

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

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

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

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

**Approved by the Governor, April 9, 2013.**