

HOUSE BILL 1093

L2

4lr2049
CF SB 1038

By: **Delegate Bagnall**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Human Relations Commission – Subpoena Enforcement**

3 FOR the purpose of authorizing the Human Relations Commission of Anne Arundel County
4 to seek relief in a certain manner if a party fails to comply with a subpoena; and
5 generally relating to the subpoena authority granted to the Human Relations
6 Commission of Anne Arundel County.

7 BY adding to

8 Article – Local Government

9 Section 12–905

10 Annotated Code of Maryland

11 (2013 Volume and 2023 Supplement)

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

14 **Article – Local Government**

15 **12–905.**

16 **(A) THIS SECTION APPLIES ONLY TO ANNE ARUNDEL COUNTY.**

17 **(B) (1) IF A PERSON FAILS TO OBEY A SUBPOENA SERVED BY THE ANNE**
18 **ARUNDEL COUNTY HUMAN RELATIONS COMMISSION:**

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) THE INDIVIDUAL AUTHORIZING THE SERVICE OF THE SUBPOENA MAY AUTHORIZE THE INDIVIDUAL SERVING THE SUBPOENA TO CERTIFY THE DEFAULT TO THE CLERK OF THE CIRCUIT COURT; AND~~

(I) THE COMMISSION MAY APPLY TO A CIRCUIT COURT IN ANY COUNTY FOR AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY; AND

~~(2) ON CERTIFICATION OF THE DEFAULT, THE CLERK SHALL ISSUE A BODY ATTACHMENT TO THE SHERIFF AGAINST THE PERSON NAMED IN THE SUBPOENA, RETURNABLE ON THE DATE SPECIFIED IN THE ATTACHMENT, TO COMPEL COMPLIANCE WITH THE SUBPOENA.~~

(II) THE COURT MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE WITNESS AND THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY:

1. AFTER NOTICE TO THE PERSON SUBPOENAED AS A WITNESS OR DIRECTED TO PRODUCE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY; AND

2. ON A FINDING THAT THE ATTENDANCE AND TESTIMONY OF THE WITNESS OR THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY IS RELEVANT OR NECESSARY FOR THE PROCEEDINGS OF THE COMMISSION.

(2) AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION SHALL BE SERVED ON THE PERSON TO WHOM IT IS DIRECTED BY THE SHERIFF OR DEPUTY SHERIFF.

(3) A FAILURE TO OBEY AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION MAY BE PUNISHED BY THE COURT AS CONTEMPT OF COURT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.