
By: **Delegate Doory**

Introduced and read first time: February 16, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Secretary of Public Safety and Correctional Services - Power to Subpoena**

3 FOR the purpose of clarifying that the Secretary of Public Safety and Correctional
4 Services or the Secretary's designee, may subpoena, administer an oath to, and
5 examine under oath any person if the Secretary or the Secretary's designee
6 considers it necessary for an effective administration of certain duties; repealing
7 the authority of the Commissioner of the Division of Correction to subpoena,
8 administer an oath to, and examine under oath any person if the Commissioner
9 considers it necessary for an effective administration of certain duties; providing
10 for certain penalties; and generally relating to the power to subpoena of the
11 Secretary of Public Safety and Correctional Services.

12 BY adding to

13 Article - Correctional Services
14 Section 2-113.1
15 Annotated Code of Maryland
16 (1999 Volume and 2000 Supplement)

17 BY repealing

18 Article - Correctional Services
19 Section 3-204
20 Annotated Code of Maryland
21 (1999 Volume and 2000 Supplement)

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

24 **Article - Correctional Services**

25 2-113.1.

26 (A) THE SECRETARY OR THE SECRETARY'S DESIGNEE MAY SUBPOENA,
27 ADMINISTER AN OATH TO, AND EXAMINE UNDER OATH ANY PERSON IF THE

1 COMMISSIONER CONSIDERS THAT IT IS NECESSARY FOR AN EFFECTIVE
2 ADMINISTRATION OF THE COMMISSIONER'S DUTIES.

3 (B) A PERSON WHO FAILS TO APPEAR BEFORE THE SECRETARY OR THE
4 SECRETARY'S DESIGNEE OR REFUSES TO TESTIFY WHEN SUBPOENAED UNDER THIS
5 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE
6 NOT EXCEEDING \$50.

7 (C) A PERSON WHO MAKES A FALSE STATEMENT UNDER OATH BEFORE THE
8 SECRETARY OR THE SECRETARY'S DESIGNEE IS GUILTY OF PERJURY AND ON
9 CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER ARTICLE 27, § 439 OF
10 THE CODE.

11 [3-204.

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

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

18 (c) A person who makes a false statement under oath before the
19 Commissioner is guilty of perjury and on conviction is subject to the penalty provided
20 under Article 27, § 439 of the Code.]

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2001.