

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1324 (Delegate Doory)
Judiciary

Secretary of Public Safety and Correctional Services - Power to Subpoena

This bill provides that the Secretary of Public Safety and Correctional Services or the Secretary's designee, may subpoena, administer an oath to, and examine under oath any person if the Commissioner of Correction considers it necessary for an effective administration of the commissioner's duties. A person who has been subpoenaed and fails to appear or testify is guilty of a misdemeanor and subject to a maximum fine of \$50. A person who makes a false statement under oath before the Secretary or the Secretary's designee is guilty of perjury and subject to existing penalties for that offense.

The bill repeals the existing and similar subpoena powers for the Commissioner of Correction.

Fiscal Summary

State Effect: Providing that the Secretary of Public Safety and Correctional Services has subpoena powers, rather than the Commissioner of Correction, would not substantively affect the operations or finances of the Department of Public Safety and Correctional Services.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Commissioner of the Division of Correction may subpoena, administer an oath to, and examine under oath any person if the commissioner considers it necessary for an effective administration of the commissioner's duties. A person who has been subpoenaed and fails to appear or testify is guilty of a misdemeanor and subject to a maximum fine of \$50. A person who makes a false statement under oath before the commissioner is guilty of perjury and subject to current law penalties for that offense.

A person convicted of perjury or subornation of perjury is subject to imprisonment for ten years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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ncs/jr

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