

SENATE BILL 794

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P3

2002 Regular Session
2lr2773
CF 2lr2772

By: **Senator McFadden (Co-Chairman, Joint Audit Committee)**

Introduced and read first time: February 11, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Attorney General - Subpoena Power**

3 FOR the purpose of authorizing the Attorney General to issue a subpoena to a person
4 to compel testimony or require the production of certain records or documents to
5 further a certain ongoing criminal investigation; specifying the manner in which
6 a subpoena is to be served; authorizing the Attorney General to take certain
7 action if a person fails to obey a subpoena that is lawfully served; authorizing
8 the Attorney General to designate in writing a deputy or assistant Attorney
9 General to exercise certain authority; providing that this Act does not
10 contravene, deny, or abrogate any privilege or right recognized by law; and
11 generally relating to the Office of the Attorney General.

12 BY adding to

13 Article - State Government

14 Section 6-110

15 Annotated Code of Maryland

16 (1999 Replacement Volume and 2001 Supplement)

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

19 **Article - State Government**

20 6-110.

21 (A) TO FURTHER AN ONGOING CRIMINAL INVESTIGATION BASED ON AN
22 AUDIT PERFORMED BY THE OFFICE OF LEGISLATIVE AUDITS, THE ATTORNEY
23 GENERAL MAY ISSUE A SUBPOENA TO A PERSON TO COMPEL TESTIMONY OR
24 REQUIRE THE PRODUCTION OF TELEPHONE, BUSINESS, GOVERNMENTAL, OR
25 CORPORATE RECORDS OR DOCUMENTS.

26 (B) (1) THE SUBPOENA SHALL BE SERVED IN THE SAME MANNER AS IF
27 ISSUED BY A CIRCUIT COURT.

1 (2) IF A PERSON FAILS TO OBEY A SUBPOENA THAT IS LAWFULLY
2 SERVED, THE ATTORNEY GENERAL MAY REPORT IMMEDIATELY THE DISOBEDIENCE
3 AND PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT
4 COURT OF THE COUNTY IN WHICH THE SUBPOENA WAS SERVED.

5 (C) THE ATTORNEY GENERAL MAY DESIGNATE IN WRITING A DEPUTY OR
6 ASSISTANT ATTORNEY GENERAL TO EXERCISE THE AUTHORITY UNDER SUBSECTION
7 (A) OF THIS SECTION.

8 (D) THIS SECTION DOES NOT CONTRAVENE, DENY, OR ABROGATE ANY
9 PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2002.