

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 313 (Chairman, Judicial Proceedings Committee)
 (Departmental - Public Safety and Correctional Services)

Rules

Secretary of Public Safety and Correctional Services - Power to Subpoena

This departmental 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 \$500. 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: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The Secretary of Public Safety and Correctional Services may exercise any power, duty, responsibility, or function of any unit head or appointing officer in the Department of Public Safety and Correctional Services. The Commissioner of Correction is a unit head in the department.

The Commissioner 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: In 2001 a similar bill, HB 1324, was introduced and received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - February 25, 2002
lsc/jr

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