
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 26, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY adding to

12 Article - Correctional Services
13 Section 2-113.1
14 Annotated Code of Maryland
15 (1999 Volume and 2003 Supplement)

16 BY repealing

17 Article - Correctional Services
18 Section 3-204
19 Annotated Code of Maryland
20 (1999 Volume and 2003 Supplement)

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

23 **Article - Correctional Services**

24 2-113.1.

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

1 SECRETARY OR THE SECRETARY'S DESIGNEE CONSIDERS THAT IT IS NECESSARY FOR
2 AN EFFECTIVE ADMINISTRATION OF THE SECRETARY'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 \$500.

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 § 9-101 OF THE
10 CRIMINAL LAW ARTICLE.

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 in § 9-101 of the Criminal Law Article.]

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2004.