
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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2004

CHAPTER _____

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 for
10 failure to appear based on the issuance of a certain subpoena; establishing that
11 a person who makes a false statement under oath before the Secretary is a
12 guilty of perjury and is subject to certain penalties; and generally relating to the
13 power to subpoena.

14 BY adding to
15 Article - Correctional Services
16 Section 2-113.1
17 Annotated Code of Maryland
18 (1999 Volume and 2003 Supplement)

19 BY repealing
20 Article - Correctional Services
21 Section 3-204
22 Annotated Code of Maryland
23 (1999 Volume and 2003 Supplement)

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

3 **Article - Correctional Services**

4 2-113.1.

5 (A) THE SECRETARY ~~OR THE SECRETARY'S DESIGNEE~~ MAY SUBPOENA,
6 ADMINISTER AN OATH TO, AND EXAMINE UNDER OATH ANY PERSON IF THE
7 SECRETARY ~~OR THE SECRETARY'S DESIGNEE~~ CONSIDERS THAT IT IS NECESSARY FOR
8 AN EFFECTIVE ADMINISTRATION OF THE SECRETARY'S DUTIES.

9 (B) A PERSON WHO FAILS TO APPEAR BEFORE THE SECRETARY ~~OR THE~~
10 ~~SECRETARY'S DESIGNEE~~ OR REFUSES TO TESTIFY WHEN SUBPOENAED UNDER THIS
11 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE
12 NOT EXCEEDING \$500.

13 (C) A PERSON WHO MAKES A FALSE STATEMENT UNDER OATH BEFORE THE
14 SECRETARY ~~OR THE SECRETARY'S DESIGNEE~~ IS GUILTY OF PERJURY AND ON
15 CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER § 9-101 OF THE
16 CRIMINAL LAW ARTICLE.

17 [3-204.

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

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

24 (c) A person who makes a false statement under oath before the
25 Commissioner is guilty of perjury and on conviction is subject to the penalty provided
26 in § 9-101 of the Criminal Law Article.]

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