

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 158 (Chairman, Judicial Proceedings Committee) (By Request –  
Departmental – Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

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Secretary of Public Safety and Correctional Services - Power to Subpoena

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This departmental bill provides that the Secretary of Public Safety and Correctional Services may subpoena, administer an oath to, and examine under oath any person if the Secretary considers it necessary for an effective administration of the Secretary'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 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.

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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 (DPSCS).

**Local Effect:** None.

**Small Business Effect:** DPSCS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## 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 DPSCS. 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 10 years.

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### Additional Information

**Prior Introductions:** Similar bills were introduced in 2001 and 2002. In 2001, HB 1324 received an unfavorable report from the House Judiciary Committee. In 2002, SB 313 received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 4, 2004  
mh/jr Revised - Senate Third Reader - March 23, 2004

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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510