

CHAPTER 500

(House Bill 424)

AN ACT concerning

Office of the State Prosecutor – Subpoena Authority

FOR the purpose of authorizing the State Prosecutor to issue ~~subpoenas for the attendance of witnesses and the production of evidence when the State Prosecutor investigates or prosecutes a case under certain circumstances~~ a subpoena for the production of certain records or documents for a certain purpose; specifying the manner of service of a subpoena, the rights of a person served with a certain subpoena, and the requirements the State Prosecutor must meet when a subpoena is served; authorizing the State Prosecutor to report the failure of a person to obey a subpoena to a certain circuit court; authorizing a court to grant certain relief under certain circumstances; and generally relating to the State Prosecutor.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 14–110

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter 15 (S.B. 37) of the Acts of the General Assembly of 2008)

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

Article – Criminal Procedure

14–110.

(A) The State Prosecutor ~~MAY ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE AND~~ has all the powers and duties of a State’s Attorney, including the use of a grand jury in any county, when the State Prosecutor:

- (1) investigates a case under § 14–107 of this title; or
- (2) prosecutes a case under § 14–109 of this title.

(B) (1) **FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING CRIMINAL INVESTIGATION UNDER § 14–107 OF THIS TITLE, THE STATE**

PROSECUTOR MAY ISSUE A SUBPOENA TO A PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENTAL, OR CORPORATE RECORDS OR DOCUMENTS.

(2) THE SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE ISSUED BY A CIRCUIT COURT.

(C) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY CONTACT WITH THE STATE PROSECUTOR MADE UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE STATE PROSECUTOR SHALL ADVISE A PERSON OF THE RIGHT TO COUNSEL WHEN THE SUBPOENA IS SERVED.

(D) (1) (I) THE STATE PROSECUTOR IMMEDIATELY MAY REPORT THE FAILURE OF A PERSON TO OBEY A LAWFULLY SERVED SUBPOENA UNDER SUBSECTION (B) OF THIS SECTION TO THE CIRCUIT COURT OF THE COUNTY HAVING JURISDICTION.

(II) THE STATE PROSECUTOR SHALL PROVIDE A COPY OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

(2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (B) OF THIS SECTION HAS AN OPPORTUNITY TO BE HEARD AND REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.

(E) THIS SECTION DOES NOT ALLOW THE CONTRAVENTION, DENIAL, OR ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.