

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 1038

(Anne Arundel County Senators)

Judicial Proceedings

Judiciary

Anne Arundel County - Human Relations Commission - Subpoena Enforcement

This bill authorizes, if a person fails to obey a subpoena served by the Anne Arundel County Human Relations Commission, the commission to apply to a circuit court for an order requiring the attendance and testimony of witnesses and the production of specified materials and property. The circuit court may issue an order once specified requirements are met; failure to obey an order may be punished by the court as contempt of court.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: If a person fails to obey a subpoena served by the Anne Arundel County Human Relations Commission, the commission may apply to a circuit court in any county for an order requiring the attendance and testimony of witnesses and the production of books, papers, records, electronically stored information, documents, and tangible property. The circuit court may issue such an order (1) after notice to the person subpoenaed and (2) on a finding that the attendance and testimony of the witness or the production of the specified materials/property is relevant or necessary for the proceedings of the commission. An order issued under the bill must be served on the person to whom it

is directed by the sheriff or deputy sheriff. The bill's provisions are applicable only in Anne Arundel County.

Current Law:

Anne Arundel County – Express Powers Act

Anne Arundel County is a charter county. Title 10, Subtitle 2 of the Local Government Article describes the express powers granted to charter counties under Article XI-A, § 2 of the Maryland Constitution. The Express Powers Act grants powers to charter counties to legislate and administer over local affairs. Generally, a charter county may enact, repeal, or amend any local law within the scope of the express powers given. A charter county may also pass any ordinance, resolution, or bylaw that does not conflict with public general law, provided that the overall health, safety, good government, and general welfare of the local community are maintained.

Anne Arundel County Human Relations Commission – In General

The purpose of the Anne Arundel County Human Relations Commission, as established in county code, is to promote and enhance the ability of all Anne Arundel County residents to pursue their lives free of discrimination. Among other powers, the commission may (1) receive, mediate, and adjudicate complaints of discrimination in housing; (2) initiate and investigate matters relating to discrimination in housing; and (3) conduct public hearings in accordance with local law.

Subpoenas Issued by the Anne Arundel County Human Relations Commission

Under the Anne Arundel County Code, the commission is authorized to hold hearings regarding alleged discrimination in housing. At the request of the commission or a party, the human relations officer may issue one or more subpoenas to compel the attendance of witnesses and to require the production of records and other materials in connection with a civil investigation, inquiry, or hearing. A subpoena may be served by the sheriff or by any person at least age 18 who is not a party to the proceeding. If a person fails to obey a subpoena, the individual authorizing the issuance of the subpoena may authorize the individual issuing the subpoena to certify the default to the clerk of the circuit court. The clerk must promptly issue a body attachment directed to the sheriff against the person named, compelling the person to obey the subpoena, returnable on the day named in the attachment.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1093 (Delegate Bagnall) - Judiciary.

Information Source(s): Anne Arundel County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2024
km/jkb Third Reader - March 21, 2024
 Revised - Amendment(s) - March 21, 2024

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