

title "Courts", sub-title "General Provisions", providing that the same court which issues a contempt citation may hear testimony on the same, and relating generally to court procedure in contempt cases in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 5 of Article 26 of the Annotated Code of Maryland (1957 Edition), title "Courts", sub-title "General Provisions", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

5.

If any alleged contempt be a direct contempt, alleged to have been committed in the presence of the court, or so near to the court as to interrupt its proceedings, then the court so adjudging shall sign a formal order to that effect. The record in such case shall consist of such order, of affidavits filed by or on behalf of the party adjudged in contempt, and of affidavits filed by the State's attorney in support of the action of the court, together with any testimony that such party or the State's attorney may desire to offer in support of such affidavits and a written statement by the judge or judges passing such order of contempt, of the facts and circumstances under and by reason of which such order was passed. If any such alleged contempt be a constructive contempt, alleged to have been committed not in the presence of the court, or not so near to the court as to interrupt its proceedings, then the court shall issue a citation to the person alleged to be in contempt requiring such person to show cause why an order adjudging such person in contempt should not be passed within a time named therein. If no cause is shown within the time so named, such order shall be final; but if such person shall answer and show cause within the time named, then testimony shall be taken and the matter tried by the court without a jury, before a judge or judges other than the judge issuing the citation. If the constructive contempt is committed while all the judges of the Supreme Bench of Baltimore City are sitting en banc, or while all the judges of any circuit are sitting en banc, the person alleged to be in contempt shall have the right to have the case removed to another circuit or court for trial. ~~Nothing contained herein shall prevent the same judge or judges who issued the citation from hearing the testimony and rendering the decision in the contempt case.~~ In all such cases, it shall be the duty of the State's attorney, either personally or by deputy or assistant, to prosecute such contempts as though the same were criminal cases. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED OR INTENDED TO PREVENT THE JUDGE OR JUDGES WHO SIGNED AN ORDER OR DECREE IN DIVORCE, ALIMONY AND NON-SUPPORT CASES FROM HEARING AND IMPOSING A PENALTY FOR CONTEMPT IN VIOLATION OR NON-COMPLIANCE WITH THE PROVISIONS OF SUCH ORDER OR DECREE.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1959.

Approved May 5, 1959.