

A JUDGE MAY ISSUE SUMMONS AND SUBPOENAS DUCES TECUM FOR THE ATTENDANCE OF A PARTY, WITNESSES, OR FOR THE PRODUCTION OF EVIDENCE IN A CASE BEFORE THE COURT. NO JUDGE MAY ISSUE A BLANK SUMMONS.

(B) FAILURE OF WITNESS TO APPEAR.

IF A WITNESS IS SUMMONED TO ATTEND A COURT AND WITHOUT SUFFICIENT EXCUSE NEGLECTS TO APPEAR, HE MAY BE ATTACHED AND FINED AN AMOUNT NOT EXCEEDING \$300. HE IS LIABLE TO ANSWER THE PARTY FOR WHOM HE WAS SUMMONED IN AN ACTION UPON THE CASE FOR THE DAMAGE SUSTAINED FOR FAILURE TO APPEAR TO TESTIFY ACCORDING TO THE SUMMONS.

REVISOR'S NOTE: This section presently appears as Art. 35, §14 and Art. 26, §148(a). Subsection (a) contains the authority for a judge to issue a summons. Subsection (b) contains the penalty provision for the failure of a witness to appear when summoned. It is increased, and is now in accord with the penalty provision applicable in the District Court. The District Court penalty was enacted in 1970 and is a much later expression of legislative intent than Art. 35, §14 which was last amended in 1782.

SEC. 9-202. COMPENSATION OF WITNESSES.

(A) GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C), A WITNESS ATTENDING COURT IS ALLOWED \$1 FOR EACH DAY IN ATTENDANCE PLUS ITINERANT CHARGES ALLOWABLE TO WITNESSES FROM OTHER PRINCIPAL COUNTY SUBDIVISIONS. EACH WITNESS SHALL OBTAIN FROM THE CLERK OF COURT A CERTIFICATE OR ORDER SHOWING THE AMOUNT DUE AND BY WHOM PAYABLE. THE CERTIFICATE OR ORDER MUST BE OBTAINED WITHIN 30 DAYS OF THE LAST DAY OF ATTENDANCE, AND FAILURE TO DO SO CONSTITUTES A WAIVER OF ANY CLAIM FOR COMPENSATION.

(B) EXCEPTIONS.

(1) IN DORCHESTER, SOMERSET, TALBOT, AND WORCESTER COUNTIES A WITNESS IS ALLOWED 75 CENTS PER DAY.

(2) IN BALTIMORE CITY A WITNESS IS ALLOWED 50 CENTS PER DAY.