

~~(11) -- IMPOSE THE SAME PENALTY AS A -- PENALTY -- FOR
DISOBEDIENCE OF A SUBPOENA ISSUED BY THE COURT.~~

(3) THE COURT SHALL CONDUCT A HEARING AND MAY GRANT
APPROPRIATE RELIEF AFTER PROVIDING THE PERSON WHO ALLEGEDLY
FAILED TO COMPLY WITH A SUBPOENA AN OPPORTUNITY TO BE HEARD AND
BE REPRESENTED BY COUNSEL.

(C) (1) A WITNESS PERSON HAS THE RIGHT TO HAVE COUNSEL
PRESENT WHEN -- RESPONDING -- TO -- A -- SUMMONS DURING ANY CONTACT UNDER
THIS SECTION WITH THE STATE'S ATTORNEY OR HIS AGENTS.

(2) THE STATE'S ATTORNEY SHALL ADVISE A WITNESS
PERSON OF THE RIGHT TO COUNSEL WHEN THE SUBPOENA IS SERVED.

~~(D) -- (1) -- THE TESTIMONY OF A WITNESS SHALL BE UNDER OATH.~~

~~(2) -- IF -- REQUESTED -- BY -- A -- WITNESS, -- THE STATE'S ATTORNEY
SHALL CAUSE A RECORD TO BE MADE OF -- ALL -- TESTIMONY -- AND -- EVIDENCE
OBTAINED PURSUANT TO THE SUBPOENA.~~

(D) FOR THE PURPOSE OF THIS SECTION, "STATE'S ATTORNEY"
MEANS THE PERSON HOLDING THAT OFFICE UNDER SECTION 7 OF ARTICLE V
OF THE MARYLAND CONSTITUTION.

(E) NOTHING CONTAINED IN THIS SECTION IS INTENDED TO ALLOW
THE CONTRAVENTION, DENIAL, OR ABRIGATION OF ANY PRIVILEGE OR
RIGHT RECOGNIZED BY LAW.

Article 27 - Crimes and Punishments

[592A.

(a) The State's attorney may issue a summons for a witness for the purpose of obtaining evidence to prepare an information. The State's attorney shall report to the court a refusal by a witness to obey the summons and the court may issue a bench warrant for the witness. A witness has the right to have counsel present when responding to a summons and the State's attorney shall advise the witness of that right when the summons is issued.

(b) A witness from whom testimony and evidence is being sought pursuant to this section shall be sworn. If the witness so requests the State's attorney shall cause a record to be made of all testimony and evidence obtained pursuant to the summons.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 24, 1983.
