

10-213. POWERS OF STATE'S ATTORNEY.

(A) IN GENERAL.

ON RECEIPT OF A COMPLAINT OR ON PERSONAL KNOWLEDGE OR INFORMATION THAT AN INDIVIDUAL HAS VIOLATED § 10-201 OR § 10-203 OF THIS SUBTITLE, THE STATE'S ATTORNEY, A DEPUTY STATE'S ATTORNEY, OR AN ASSISTANT STATE'S ATTORNEY MAY HOLD A PRETRIAL INQUIRY.

(B) OATHS; WITNESSES; EVIDENCE.

IN CONNECTION WITH ANY PRETRIAL INQUIRY UNDER THIS SECTION:

(1) THE STATE'S ATTORNEY MAY ISSUE A SUMMONS THAT REQUIRES A PERSON OTHER THAN THE ACCUSED INDIVIDUAL TO APPEAR, TO TESTIFY, AND TO PRODUCE DOCUMENTS CONNECTED TO THE INQUIRY; AND

(2) THE STATE'S ATTORNEY, A DEPUTY STATE'S ATTORNEY, OR AN ASSISTANT STATE'S ATTORNEY MAY:

(I) ADMINISTER OATHS;

(II) EXAMINE WITNESSES; AND

(III) RECEIVE EVIDENCE.

(C) SANCTIONS FOR FAILURE TO APPEAR OR OBEY.

(1) IF A PERSON FAILS TO OBEY A SUMMONS, OR FAILS TO TESTIFY OR COMPLY WITH A REQUEST OF THE STATE'S ATTORNEY, A DEPUTY STATE'S ATTORNEY, OR AN ASSISTANT STATE'S ATTORNEY, THE STATE'S ATTORNEY MAY REQUEST THE CIRCUIT COURT TO ORDER THE PERSON:

(I) TO OBEY THE SUMMONS;

(II) TO TESTIFY; OR

(III) TO PRODUCE ANY DOCUMENT THAT THE COURT CONSIDERS NECESSARY FOR THE INQUIRY.

(2) IF A PERSON FAILS OR REFUSES TO OBEY THE ORDER OF COURT AFTER THE ORDER HAS BEEN SERVED, THE PERSON IS IN CONTEMPT OF COURT AND THE COURT MAY PUNISH THE PERSON FOR THE CONTEMPT.

(3) A FINDING OF CONTEMPT UNDER THIS SUBSECTION IS SUBJECT TO APPEAL.

REVISOR'S NOTE: This section is new language that combines without substantive change former Article 27, § 91 and the first sentence of § 89.