

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that, in subsection (c) of this section, the reference to the "circuit court for the county" is retained from former Article 16, §§ 99 and 106. In light of the fact that jurisdiction over prosecution of these cases lies in the District Court, the General Assembly may wish to amend this section so that the State's Attorney may invoke the powers of the District Court in enforcing a summons.

Defined terms: "County" § 1-101
 "Summons" § 1-101

13-105. SAME -- NOTICE TO ACCUSED INDIVIDUAL.

BEFORE THE STATE'S ATTORNEY CONDUCTS AN INQUIRY UNDER § 13-104 OF THIS TITLE, THE STATE'S ATTORNEY SHALL NOTIFY THE ACCUSED INDIVIDUAL IN WRITING OF:

(1) THE TIME AND PLACE OF THE INQUIRY;

(2) THE ACCUSED INDIVIDUAL'S RIGHT TO APPEAR AT THE INQUIRY AND TO PRODUCE EVIDENCE OR INFORMATION THAT RELATES TO THE MATTERS EXAMINED; AND

(3) THE ACCUSED INDIVIDUAL'S RIGHT TO TESTIFY IF THE INDIVIDUAL:

(I) NOTIFIES THE STATE'S ATTORNEY OF THE INDIVIDUAL'S DESIRE TO TESTIFY; AND

(II) SIGNS A WAIVER THAT PERMITS THE INDIVIDUAL'S TESTIMONY TO BE USED AGAINST THE INDIVIDUAL IN ANY LATER TRIAL THAT ARISES FROM THE COMPLAINT.

REVISOR'S NOTE: This section is new language that combines without substantive change former Article 27, §§ 100 and 107.

13-106. FILING OF INFORMATION; CONSENT.

(A) FILING OF INFORMATION.

THE STATE'S ATTORNEY MAY FILE AN INFORMATION THAT CHARGES THE ACCUSED INDIVIDUAL WITH NONSUPPORT OF THE INDIVIDUAL'S DESTITUTE PARENT OR DESTITUTE ADULT CHILD, BASED ON THE COMPLAINT.

(B) CONSENT.

AFTER FILING AN INFORMATION, THE STATE'S ATTORNEY MAY SEEK TO OBTAIN THE CONSENT OF THE ACCUSED INDIVIDUAL TO THE ENTRY OF A COURT ORDER UNDER § 13-107 OF THIS TITLE.