

Approved May 9, 1995.

CHAPTER 314
(House Bill 1020)

AN ACT concerning

Criminal Procedure – Subpoenas – Deputy State’s Attorneys

FOR the purpose of authorizing a Deputy State’s Attorney, designated by a State’s Attorney, to issue subpoenas under certain circumstances; and generally relating to the subpoena power of a Deputy State’s Attorney.

BY repealing and reenacting, with amendments,

Article 10 – Legal Officials

Section 39A

Annotated Code of Maryland

(1994 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 10 – Legal Officials

39A.

(a) For the limited purpose of obtaining documents to further an ongoing criminal investigation, the State’s Attorney may issue, within the county served by the State’s Attorney, a subpoena to a person to require the production of telephone, business, governmental, or corporate records or documents.

(b) (1) Such subpoena may be served in the same manner as if issued from a circuit court.

(2) If any person fails to obey such subpoena lawfully served, the State’s Attorney may immediately report the disobedience and provide a copy of the subpoena and proof of service to the circuit court of the county in which the State’s Attorney serves under § 34 of this article.

(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 person has the right to have counsel present during any contact under this section with the State’s Attorney or his agents.

(2) The State’s Attorney shall advise a person of the right to counsel when the subpoena is served.