

A PERSON WHO FAILS TO APPEAR BEFORE THE COMMISSIONER OR REFUSES TO TESTIFY WHEN SUBPOENAED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

(C) FALSE SWEARING.

A PERSON WHO MAKES A FALSE STATEMENT UNDER OATH BEFORE THE COMMISSIONER IS GUILTY OF PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER ARTICLE 27, § 439 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 675.

In subsection (a) of this section, the reference to the Commissioner's authority to "subpoena" a witness is substituted for the former reference to the Commissioner's authority to "summon" a witness for clarity and consistency with terminology used elsewhere in the revised articles. Under Md. Rule 1-202(z), "summons" means a document that notifies a person of a court action. Under Md. Rule 1-202(y), "subpoena" means a document that requires "attendance at a particular time and place to take the action specified therein".

Also in subsection (a) of this section, the reference to "examin[ing] under oath any person" is added for clarity and consistency with similar provisions in other revised articles of the Code. See, e.g., BR § 10-201(b), CL § 13-405(a), FL § 9-209(b), FI §§ 11-214(b)(2), 11-515(d)(3), and 12-419(b)(2), HG § 19-718(c), IN §§ 2-203(a)(2), 8-319(c)(3), and 8-461(b)(2), and SG § 9-1605(c)(3).

Also in subsection (a) of this section, the former reference to administering "affirmations" is deleted in light of Art. 1, § 9 of the Code, which provides that "[w]henever an oath is required by this Code an affirmation shall be sufficient, if made by a person conscientiously scrupulous of taking an oath".

Also in subsection (a) of this section, the former reference to the Commissioner's authority to subpoena and examine a person if the Commissioner considers that it is "wise" is deleted as surplusage in light of the reference to situations in which the Commissioner considers such action "necessary".

Defined terms: "Commissioner" § 3-101

"Person" § 1-101

3-205. SAME — REGULATIONS.

(A) IN GENERAL.

THE COMMISSIONER MAY ADOPT REGULATIONS FOR THE OPERATION AND MAINTENANCE OF THE UNITS IN THE DIVISION.

(B) REQUIRED REGULATIONS.