

(3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SUBSECTION, ON A COMPLAINT FILED BY THE BOARD OF APPEALS OR AN AUTHORIZED REPRESENTATIVE OF THE BOARD OF APPEALS, THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION OR HEARING IS CONDUCTED OR THE PERSON IS PRESENT, RESIDES, OR TRANSACTS BUSINESS MAY PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING TESTIMONY.

(4) (1) A PERSON MAY NOT BE EXCUSED FROM ATTENDING A PROCEEDING AND TESTIFYING OR PRODUCING BOOKS, CORRESPONDENCE, MEMORANDA, PAPERS, AND OTHER RECORDS BEFORE THE BOARD OF APPEALS OR AN AUTHORIZED REPRESENTATIVE OF THE BOARD OF APPEALS IN OBEDIENCE TO A SUBPOENA ISSUED UNDER THIS SECTION ON THE GROUND THAT THE TESTIMONY OR EVIDENCE REQUIRED OF THE PERSON MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE PERSON TO A PENALTY OR FORFEITURE.

(II) AFTER HAVING CLAIMED THE PRIVILEGE OF THE PERSON AGAINST SELF-INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY PENALTY OR FORFEITURE BECAUSE OF ANY TRANSACTION, MATTER, OR THING ABOUT WHICH THE PERSON IS COMPELLED TO TESTIFY OR PRODUCE EVIDENCE.

(III) A PERSON MAY BE PROSECUTED AND PUNISHED FOR PERJURY COMMITTED IN TESTIFYING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 12(h) and (j), except as those subsections related to the Secretary, and the first sentence of (i), except as that sentence related to the Secretary.

In subsection (a)(1) of this section, the former word "affirmations" is deleted as unnecessary in light of the word "oaths". See Art. 1, § 9 of the Code.

In subsection (b)(1) of this section, the phrase "to enforce this title" is standard language substituted for the former phrase "in connection with a disputed claim or the administration of this article", to conform to other revised articles of the Code.

Also in subsection (b)(1) of this section, the word "or" is substituted for the former word "and" to clarify that a subpoena may be issued for either the attendance of a witness or the production of books, correspondence, memoranda, papers, and other records.

In subsection (b)(3) of this section, the language "fails to comply" is substituted for the former language "contumacy by or refusal to obey".