

IF, WITHOUT REASONABLE CAUSE, A WITNESS REFUSES TO PRODUCE A DOCUMENT OR TO TESTIFY IN ACCORDANCE WITH AN ORDER OF THE COMMISSION, THE COMMISSION MAY AND, ON REQUEST OF A PARTY TO THE PROCEEDING, SHALL APPLY TO A CIRCUIT COURT FOR AN ORDER TO SHOW CAUSE.

(B) SHOW CAUSE ORDER.

ON PROOF BY AFFIDAVIT THAT A WITNESS HAS REFUSED TO PRODUCE A DOCUMENT OR TESTIFY IN ACCORDANCE WITH AN ORDER OF THE COMMISSION, THE CIRCUIT COURT SHALL PASS AN ORDER, RETURNABLE WITHIN 2 TO 5 DAYS, THAT DIRECTS THE WITNESS TO SHOW CAUSE WHY THE WITNESS SHOULD NOT BE IMPRISONED.

(C) SHOW CAUSE HEARING.

(1) ON RETURN OF THE ORDER, THE CIRCUIT COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE WITNESS, WITHOUT REASONABLE CAUSE OR LEGAL EXCUSE, REFUSED TO TESTIFY OR PROVIDE A DOCUMENT IN ACCORDANCE WITH AN ORDER OF THE COMMISSION.

(2) THE CIRCUIT COURT SHALL:

(I) EXAMINE THE WITNESS UNDER OATH; AND

(II) GIVE THE WITNESS AN OPPORTUNITY TO BE HEARD.

(3) IF THE CIRCUIT COURT FINDS THAT THE WITNESS, WITHOUT REASONABLE CAUSE OR LEGAL EXCUSE, REFUSED TO PRODUCE A DOCUMENT OR TESTIFY IN ACCORDANCE WITH AN ORDER OF THE COMMISSION, THE CIRCUIT COURT MAY HAVE THE WITNESS IMMEDIATELY IMPRISONED UNTIL:

(I) THE WITNESS PRODUCES THE DOCUMENT OR TESTIFIES; OR

(II) IS DISCHARGED IN ACCORDANCE WITH LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 8(b).

In subsection (a) of this section, the word "witness" is substituted for the former words "person in attendance before the Commission or a commissioner", for brevity.

In subsections (b) and (c) of this section, the word "witness" is substituted for the former words "such person", to conform to subsection (a) of this section.

In subsection (a) and the introductory language of subsection (c) of this section, the word "document" is substituted for the former words "book or paper", for brevity and to conform to § 9-716 of this subtitle.