

SENATE BILL 329

D3

5r1758
CF 5r1323

By: **Senator Klausmeier (By Request – Baltimore County Administration)**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Civil Actions – Subpoena for Police Officer – Liability of**
3 **Party for Reimbursement of Cost**

4 FOR the purpose of requiring a party who requests the issuance of a subpoena in a civil
5 action to compel the attendance of a police officer employed by the Baltimore County
6 Police Department to reimburse the police department for the cost of the police
7 officer's salary and travel expenses to attend court; requiring a deposit in a certain
8 amount to be tendered when the subpoena is served; requiring the deposit to be
9 transmitted promptly to the Baltimore County Director of Finance; requiring the
10 Director of Finance to hold the deposit in escrow for the police department; providing
11 that a Baltimore County police officer is not required to attend court in response to
12 a subpoena unless the required deposit has been paid; requiring proof of payment of
13 the deposit to be filed with proof of service of the subpoena; establishing that the
14 party who requested issuance of a subpoena is liable to the police department for a
15 certain amount under certain circumstances; requiring the Director of Finance to
16 refund a certain amount to the party who requested issuance of a subpoena under
17 certain circumstances; and generally relating to reimbursing the Baltimore County
18 Police Department for certain costs and expenses.

19 BY adding to

20 Article – Courts and Judicial Proceedings
21 Section 7–410
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2014 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-410.

2 (A) A PARTY WHO REQUESTS THE ISSUANCE OF A SUBPOENA IN A CIVIL
3 ACTION TO COMPEL THE ATTENDANCE OF A POLICE OFFICER EMPLOYED BY THE
4 BALTIMORE COUNTY POLICE DEPARTMENT SHALL REIMBURSE THE POLICE
5 DEPARTMENT FOR THE COST OF THE POLICE OFFICER'S SALARY AND TRAVEL
6 EXPENSES FOR EACH DAY THAT THE POLICE OFFICER IS REQUIRED TO ATTEND
7 COURT IN ACCORDANCE WITH THE SUBPOENA.

8 (B) (1) WHEN A SUBPOENA DESCRIBED IN SUBSECTION (A) OF THIS
9 SECTION IS SERVED, A DEPOSIT IN THE AMOUNT OF \$250 PAYABLE TO THE
10 BALTIMORE COUNTY DIRECTOR OF FINANCE SHALL BE TENDERED TO THE PERSON
11 ACCEPTING SERVICE.

12 (2) THE DEPOSIT SHALL BE TRANSMITTED PROMPTLY TO THE
13 DIRECTOR OF FINANCE, WHO SHALL HOLD THE AMOUNT IN ESCROW FOR THE
14 BENEFIT OF THE POLICE DEPARTMENT.

15 (C) (1) A POLICE OFFICER EMPLOYED BY THE BALTIMORE COUNTY
16 POLICE DEPARTMENT WHO IS SERVED WITH A SUBPOENA TO COMPEL THE
17 OFFICER'S ATTENDANCE IN A CIVIL CASE IS NOT REQUIRED TO ATTEND COURT
18 UNLESS THE DEPOSIT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION HAS
19 BEEN PAID.

20 (2) THE PROOF OF SERVICE OF THE SUBPOENA FILED WITH THE
21 COURT SHALL BE ACCOMPANIED BY PROOF THAT THE DEPOSIT WAS PAID.

22 (D) (1) (I) IF THE AMOUNT OF THE ACTUAL EXPENSES INCURRED AS A
23 RESULT OF THE POLICE OFFICER'S ATTENDANCE IN COURT IS MORE THAN THE
24 AMOUNT DEPOSITED, THE PARTY WHO REQUESTED THE ISSUANCE OF THE
25 SUBPOENA IS LIABLE TO THE POLICE DEPARTMENT FOR THE DIFFERENCE.

26 (II) THE DIRECTOR OF FINANCE SHALL SEND AN INVOICE TO
27 THE PARTY FOR THE AMOUNT DUE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

28 (2) IF THE AMOUNT OF THE ACTUAL EXPENSES INCURRED AS A
29 RESULT OF THE POLICE OFFICER'S ATTENDANCE IN COURT IS LESS THAN THE
30 AMOUNT DEPOSITED, THE DIRECTOR OF FINANCE SHALL REFUND THE DIFFERENCE
31 TO THE PARTY WHO REQUESTED THE ISSUANCE OF THE SUBPOENA.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2015.