

# HOUSE BILL 892

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CF SB 329

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By: **Baltimore County Delegation (By Request – Baltimore County Administration)**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

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## 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 certain  
5 civil actions to compel the attendance of a police officer employed by the Baltimore  
6 County Police Department to reimburse the police department for the cost of the  
7 police officer's salary and travel expenses to attend court; requiring a deposit in a  
8 certain amount to be tendered when the subpoena is served; requiring the deposit to  
9 be 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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-410.

2 (A) THIS SECTION DOES NOT APPLY TO PROTECTIVE ORDER PROCEEDINGS  
3 UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

4 (B) 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  
6 BALTIMORE COUNTY POLICE DEPARTMENT SHALL REIMBURSE THE POLICE  
7 DEPARTMENT FOR THE COST OF THE POLICE OFFICER'S SALARY AND TRAVEL  
8 EXPENSES FOR EACH DAY THAT THE POLICE OFFICER IS REQUIRED TO ATTEND  
9 COURT IN ACCORDANCE WITH THE SUBPOENA.

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

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

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

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

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

28 (ii) THE DIRECTOR OF FINANCE SHALL SEND AN INVOICE TO  
29 THE PARTY FOR THE AMOUNT DUE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH.

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

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