



General Assembly

Amendment

February Session, 2002

LCO No. 4694

HB0552104694HD0

Offered by:

REP. GREEN, 1st Dist.
REP. HYSLOP, 39th Dist.
REP. DIAMANTIS, 79th Dist.
REP. RACZKA, 100th Dist.
REP. REINOSO, 130th Dist.
REP. SPALLONE, 36th Dist.
REP. HAMM, 34th Dist.
REP. CURREY, 10th Dist.
REP. O'CONNOR, 35th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. ABRAMS, 83rd Dist.
REP. MURPHY, 81st Dist.

REP. DILLON, 92nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. CARTER, 7th Dist.
REP. SHARKEY, 103rd Dist.
REP. STONE, 9th Dist.
REP. DONOVAN, 84th Dist.
REP. DEMARINIS, 40th Dist.
REP. GERRATANA, 23rd Dist.
REP. CARUSO, 126th Dist.
REP. URBAN, 43rd Dist.
REP. WILLIS, 64th Dist.
REP. WALKER, 93rd Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

(As Amended)

"AN ACT CONCERNING SEARCH WARRANTS."

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- 1 Strike section 4 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 4. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
- 3 *2004*) (a) A prosecuting official who seeks to issue a subpoena under
- 4 section 3 of this act shall submit an application to a judge of the
- 5 Superior Court on a form approved by the judges of the Superior

6 Court. Such application shall include an affidavit sworn to by such
7 prosecuting official, and separate from the application, stating that
8 such official:

9 (1) Has reasonable grounds to believe that a class A or B felony has
10 been committed, and the facts that form the basis for such belief;

11 (2) Has reasonable grounds to believe that the person to be
12 summoned to appear and give testimony or produce property has
13 information relevant and necessary to the investigation concerning the
14 alleged commission of a class A or B felony, and the facts that form the
15 basis for such belief;

16 (3) Has reasonable grounds to believe that the appearance and
17 testimony of such person or the production of property by such person
18 would not occur or be available without the issuance of a subpoena,
19 and the facts that form the basis for such belief; and

20 (4) Has made reasonable efforts to secure such appearance,
21 testimony and property without recourse to a subpoena and those
22 efforts have been unsuccessful.

23 (b) If the judge finds that all of the provisions of subsection (a) of
24 this section have been satisfied, such judge may grant the application
25 for the issuance of a subpoena by such prosecuting official."