



General Assembly

February Session, 2002

Amendment

LCO No. 4708

HB0552104708HD0

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."

1 Strike section 8 in its entirety and insert the following in lieu thereof:

2 "Sec. 8. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
3 *2004*) (a) Whenever a subpoena is issued pursuant to sections 2 to 13,
4 inclusive, of this act, the prosecuting official shall, not later than forty-
5 eight hours after service of the subpoena, excluding weekends and

6 holidays, give written notice of the issuance of the subpoena to the
7 presiding judge for criminal matters in the courthouse where
8 compliance with the subpoena is required. Such notice shall include
9 the identity of the person and, if the production of property is
10 compelled, a description of the property. Such notice shall be
11 confidential and not subject to disclosure. The failure to give such
12 notice shall not invalidate the subpoena. Such presiding judge shall
13 assign a judge of the Superior Court to preside over the proceeding.
14 The assignment of such judge shall be confidential and not subject to
15 disclosure. The proceeding shall not be open to the public.

16 (b) Prior to any witness being questioned, the court shall advise
17 such person on the record of the following: (1) The purpose of the
18 investigation, (2) whether such person is a target or possible target of
19 the investigation, (3) that such person has the right not to be compelled
20 to give evidence against himself or herself, (4) that such person has the
21 right to have counsel present and to consult with such counsel and, if
22 such person is indigent, to have counsel appointed to represent him or
23 her, (5) the procedures for obtaining such appointed counsel, and (6)
24 that such person has the right to file a motion to quash or modify the
25 subpoena. Upon the appointment of such counsel by the court, the
26 court shall grant a reasonable continuance of not less than ten days,
27 excluding weekends and holidays, for the witness to confer with such
28 counsel. The presiding judge shall assure that such rights are not
29 infringed.

30 (c) A court reporter or assistant court reporter shall make a record of
31 the proceeding. The record of the proceeding shall be sealed and not
32 subject to disclosure, except that any witness who appeared and
33 testified shall be allowed access, at all reasonable times, to the record
34 of such witness' own testimony and shall have the right to receive a
35 copy of the transcript of the record of such testimony."