



General Assembly

January Session, 2003

Amendment

LCO No. 6383

SB0096906383SR0

Offered by:

SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 969

File No. 634

Cal. No. 410

"AN ACT CONCERNING INVESTIGATIVE SUBPOENAS."

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- 1 In line 12, strike "including the investigation of"
 - 2 Strike lines 13 and 14 in their entirety
 - 3 In line 15, strike "under the law,"
 - 4 In line 17, after "and" and before "testimony" insert "sworn"
 - 5 In line 34, after the period insert "The court shall immediately seal
 - 6 such application."
 - 7 In line 39, strike "or a defense or"
 - 8 Strike line 40 in its entirety
 - 9 In line 41, strike "such a felony or violation,"
 - 10 In line 48, strike "or the validity of a defense or affirmative defense"
 - 11 In line 49, strike "raised with respect to the commission of such a

12 felony or violation,"

13 In line 55, after "efforts" insert ", which efforts shall be set forth and
14 described in such affidavit,"

15 In line 60, after "investigation" insert "and the facts that form the
16 basis for believing that such reasonable efforts would significantly
17 hinder the investigation"

18 Strike section 6 in its entirety and substitute the following in lieu
19 thereof:

20 "Sec. 6. (NEW) (*Effective October 1, 2003*) If any subpoena is issued
21 pursuant to sections 1 to 12, inclusive, of this act for the production of
22 any medical records or psychiatric records of a person, the prosecuting
23 official shall give written notice of the issuance of such subpoena to
24 such person by certified mail, return receipt requested. Such person
25 shall have standing to file a motion to quash the subpoena in
26 accordance with section 9 of this act. All medical records or psychiatric
27 records that are produced pursuant to a subpoena issued pursuant to
28 sections 1 to 12, inclusive, of this act shall be delivered to the court and
29 designated as privileged and confidential records and placed under
30 seal by the court. Such records shall be held under seal by the court for
31 a period of at least fifteen days. If no motion to quash is filed during
32 such period, the court may forward the records to the prosecuting
33 official conducting the investigation and such records shall be
34 maintained by such prosecuting official in a confidential manner until
35 an arrest is made as a result of the investigation. If a motion to quash is
36 filed, such records shall remain under seal with the court until the
37 court renders a decision on such motion."

38 In line 161, after "shall" insert ", on the record,"