



General Assembly

Amendment

January Session, 2003

LCO No. 6786

SB0096906786HD0

Offered by:

REP. GREEN, 1st Dist.

To: Subst. Senate Bill No. 969

File No. 634

Cal. No. 561

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING INVESTIGATIVE SUBPOENAS."

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. (NEW) (*Effective October 1, 2003*) (a) A prosecuting official
4 who seeks to issue a subpoena under section 2 of this act shall, by
5 personal presentation, submit an application to a judge of the Superior
6 Court. Such application shall include an affidavit sworn to by such
7 prosecuting official that is separate from the application stating that
8 such official:

9 (1) Has probable cause to believe that a crime has been committed,
10 and a full and complete statement of all the facts and circumstances
11 relied upon by the affiant;

12 (2) Has probable cause to believe that the person to be summoned to
13 appear and give testimony or produce property has information

14 relevant and necessary to the investigation concerning the alleged
15 commission of a crime, and a full and complete statement of all the
16 facts and circumstances relied upon by the affiant;

17 (3) Has probable cause to believe that the appearance and testimony
18 of such person or the production of property by such person would
19 not occur or be available without the issuance of a subpoena, and a full
20 and complete statement of all the facts and circumstances relied upon
21 by the affiant; and

22 (4) (A) Has made reasonable efforts to secure such appearance,
23 testimony and property without recourse to a subpoena, which efforts
24 shall be set forth, and that those efforts have been unsuccessful, and a
25 full and complete statement of all the facts and circumstances relied
26 upon by the affiant, or (B) has not made reasonable efforts to secure
27 such appearance, testimony and property without recourse to a
28 subpoena because making such reasonable efforts would significantly
29 hinder the investigation and a full and complete statement of all the
30 facts and circumstances relied upon by the affiant."