



General Assembly

Amendment

January Session, 2003

LCO No. 6833

SB0096906833HD0

Offered by:

REP. DIAMANTIS, 79th 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 subsection (a) of section 2 in its entirety and substitute the
2 following in lieu thereof:

3 "(a) In the investigation of conduct that would constitute the
4 commission of a crime, a prosecuting official, in the performance of
5 such official's duties during such investigation, shall have the
6 authority to compel by subpoena the appearance and sworn testimony
7 of witnesses and the production of property concerning the matter
8 under investigation. No prosecuting official may issue a subpoena
9 under this section to an attorney with respect to a former or current
10 client of such attorney, or to any person who assists or assisted such
11 attorney in representing such client, that seeks testimony or the
12 production of property protected by the attorney-client privilege or
13 property constituting attorney work product. No prosecuting official
14 may issue a subpoena under this section that seeks to compel

15 testimony or the production of property, including, but not limited to,
16 testimony or property with respect to the psychiatric or substance
17 abuse treatment of a person, that is privileged under state or federal
18 law. No prosecuting official may issue a subpoena under this section
19 unless authorized by a judge of the Superior Court pursuant to section
20 3 of this act."