



General Assembly

January Session, 2003

**Amendment**

LCO No. 7021

\*SB0096907021HDO\*

Offered by:

REP. GREEN, 1<sup>st</sup> 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."**

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1 Strike subsection (b) of section 3 in its entirety and substitute the  
2 following in lieu thereof:

3 "(b) The judge shall review such application and affidavit and, in  
4 determining whether the provisions of subsection (a) of this section  
5 have been satisfied, shall not consider any evidence extrinsic to such  
6 documents. If the judge finds that all the provisions of subsection (a) of  
7 this section have been satisfied, such judge may grant the application  
8 for the issuance of a subpoena by such prosecuting official. The  
9 subpoena shall be served upon the person not less than twenty-four  
10 hours, excluding weekends and holidays, prior to the time scheduled  
11 for such person's appearance, except that the judge may specify the  
12 date or time that such subpoena shall be served upon the person,  
13 which date or time shall be not less than twenty-four hours nor more  
14 than seven days, excluding weekends and holidays, prior to the date

15 and time scheduled for such person's appearance. The prosecuting  
16 official shall cause any application that is granted to be filed with the  
17 clerk of the court where compliance with the subpoena is required.  
18 Except as provided in subsection (c) of this section, the judge shall not  
19 order the court file, including the application and affidavit submitted  
20 pursuant to subsection (a) of this section, be sealed as to the public and  
21 all of the file shall be subject to disclosure."