



General Assembly

January Session, 2003

**Amendment**

LCO No. 7162

\*SB0096907162HD0\*

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 (a) of section 7 in its entirety and substitute the  
2 following in lieu thereof:

3 "(a) Whenever a subpoena is issued pursuant to sections 1 to 12,  
4 inclusive, of this act, the prosecuting official shall, not later than  
5 twenty-four hours after service of the subpoena, excluding weekends  
6 and 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, except that no action shall be  
13 carried out pursuant to the subpoena without notice to the court. Such  
14 presiding judge shall assign a judge of the Superior Court to preside

15 over the proceeding at which testimony shall be given or property  
16 shall be produced, or both. The assignment of such judge shall not be  
17 confidential and shall be subject to disclosure. The judge assigned to  
18 preside over the proceeding shall be present at all times during the  
19 proceeding. The proceeding shall be open to the public. The judge  
20 assigned to preside over the proceeding may, for good cause shown,  
21 which may include a showing, after inquiry by such judge, that such  
22 person has not had a reasonable opportunity to consult an attorney,  
23 grant a continuance for such period as such judge deems necessary."