



General Assembly

**Amendment**

January Session, 2003

LCO No. 7165

\*SB0096907165HD0\*

Offered by:

REP. HAMM, 34<sup>th</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."**

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

3 "(c) Not later than twenty-four hours after the service of such  
4 subpoena, a copy of the application and affidavit submitted by the  
5 prosecuting official pursuant to subsection (a) of this section shall be  
6 given to the person summoned. The judge may, by order, dispense  
7 with the requirement of giving a copy of the application and affidavit  
8 to such person at such time (1) if the prosecuting official files a detailed  
9 affidavit with the judge that demonstrates to the judge that (A) the  
10 personal safety of a confidential informant would be jeopardized by  
11 the giving of a copy of the application and affidavit at such time, (B)  
12 the issuance of the subpoena is part of a continuing investigation that  
13 would be adversely affected by the giving of a copy of the application  
14 and affidavit at such time, or (C) the giving of such application and

15 affidavit at such time would require disclosure of information or  
16 material prohibited from being disclosed by chapter 959a of the  
17 general statutes, or (2) if the counsel or guardian for the person  
18 summoned files a detailed affidavit with the judge that demonstrates  
19 good cause. If the judge dispenses with the requirement of giving a  
20 copy of the application and affidavit at such time, such order shall not  
21 affect the right of the person summoned to obtain such copy at any  
22 subsequent time. No such order shall limit the disclosure of such  
23 application and affidavit to the attorney for a person arrested in  
24 connection with or subsequent to the issuance of the subpoena unless,  
25 upon motion of the prosecuting official within two weeks of such  
26 person's arraignment, the court finds that the state's interest in  
27 continuing nondisclosure substantially outweighs the defendant's  
28 right to disclosure. Any order dispensing with the requirement of  
29 giving a copy of the application and accompanying affidavit to the  
30 person summoned not later than twenty-four hours after the issuance  
31 of the subpoena shall be for a specific period of time, not to exceed two  
32 weeks beyond the date the subpoena is issued. Within that time period  
33 the prosecuting official or the counsel or guardian for the person  
34 summoned may seek an extension of such period."