



General Assembly

February Session, 2004

Amendment

LCO No. 4478

HB0543904478SRO

Offered by:

SEN. RORABACK, 30th Dist.

To: House Bill No. 5439

File No. 182

Cal. No. 380

(As Amended)

"AN ACT CONCERNING THE CHIEF STATE'S ATTORNEY."

1 Strike subdivision (2) of section 501 in its entirety and insert the
2 following in lieu thereof:

3 "(2) "Property" includes, but is not limited to, documents, books,
4 papers, records, films, recordings and other tangible things, but
5 expressly does not include medical records of a patient's diagnosis,
6 treatment and prognosis and other health records described in section
7 19a-490b and subsection (b) of section 20-7c of the general statutes;"

8 Strike subsection (a) of section 502 and insert the following in lieu
9 thereof:

10 "(a) In the investigation of conduct that would constitute the
11 commission of a crime, a prosecuting official, in the performance of
12 such official's duties during such investigation, shall have the
13 authority to compel by subpoena the appearance and sworn testimony

14 of witnesses and the production of property concerning the matter
15 under investigation. No prosecuting official may issue a subpoena
16 under this section that (1) seeks to compel testimony protected by the
17 attorney-client privilege or the production of property constituting
18 attorney work product, or (2) seeks to compel testimony or the
19 production of property that constitutes confidential communications
20 or the records thereof which are deemed privileged and protected
21 from disclosure under state or federal law, including the common law,
22 including, but not limited to, confidential communications, and the
23 records thereof, made to a clergyman, psychiatrist or substance abuse
24 counselor. No prosecuting official may issue a subpoena under this
25 section to a provider, as defined in section 20-7b of the general statutes,
26 that seeks testimony about any communication made to the provider
27 or information obtained by the provider from a patient or the
28 conservator or guardian of a patient with respect to any actual or
29 supposed physical or mental disease or disorder or information
30 obtained by the personal examination of the patient. No prosecuting
31 official may issue a subpoena under this section unless authorized by a
32 judge of the Superior Court pursuant to section 503 of this act."

33 Strike section 506 in its entirety and renumber the remaining
34 sections and internal references accordingly