

HOUSE RESEARCH

Bill Summary

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Subject: Administrative Subpoenas; Disclosure

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Overview

This bill modifies the process when a county attorney issues an administrative subpoena. It requires that all administrative subpoenas be supported by probable cause, and requires disclosure of the subpoena to the court administrator and the party whose records or documents the subpoena seeks to obtain. An allowance for disclosure to be temporarily withheld is provided.

Section

- 1 Authority.** Modifies the existing authority for a county attorney to issue an administrative subpoena, to require that all administrative subpoenas be supported by probable cause.
Current law requires probable cause only for welfare fraud and identity theft cases.
- 2 Enforcement; disclosure to subject.** Requires that a copy of any administrative subpoena issued by a county attorney be filed with the court administrator, and provided to any party whose records or documents the subpoena seeks to obtain.
Later in this bill, a process is provided for temporarily withholding the contents of the subpoena. If the contents are withheld, a notice that a subpoena has been issued and the names of any parties identified in the subpoena must be filed with the court administrator and any party whose records or documents are sought.
- 3 Disclosure permitted.** Reverses an existing prohibition on disclosure of the fact that a subpoena has been issued, to provide instead that disclosure is permitted unless otherwise directed by court order.

Section

- 4 Ex parte order.** Requires any ex parte requests and court orders related to production of records pursuant to an administrative subpoena to be filed with the court administrator.
- 5 Temporary withholding of subpoena contents.** Authorizes a county attorney to request that the contents of a subpoena be temporarily withheld from disclosure, by order of the court. The grounds on which the subpoena may be withheld are provided in the bill.
If the court grants the request, the subpoena may be withheld for a period not to exceed 180 days, unless the court determines that notice may endanger the life or physical safety of any person. In those cases, the subpoena may be withheld indefinitely.
- 6 Disclosure of subpoena activity.** Provides that the aggregate number of subpoenas issued in a calendar year, along with detailed information on each subpoena and the evidence that supports the subpoena, is public at all times.
- 7 Effective date.** Provides that the bill is effective the day following final enactment, and applies to subpoenas issued on or after that date.