

HOUSE BILL NO. HB0187

Administrative subpoenas.

Sponsored by: Representative(s) Vranish, Krone and
Quarberg

A BILL

for

1 AN ACT relating to criminal procedure; providing for
2 issuance of administrative subpoenas upon request of a
3 peace officer; and providing for an effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 7-2-109 is created to read:

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9 **7-2-109. Administrative subpoenas.**

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11 (a) The attorney general or district attorney is
12 authorized to issue subpoenas if requested by a peace
13 officer pursuant to subsection (c) of this section. The
14 administrative subpoena process of this section may be used
15 only to obtain third party information under circumstances
16 where it is clear that the subpoenaed information is not

1 subject to a claim of protection under the fourth, fifth or
2 sixth amendment to the United States Constitution or a
3 similar claim under article 1, sections 4 and 6 of the
4 Wyoming Constitution.

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6 (b) A party subpoenaed under this section shall be
7 advised by the subpoena that he has a right to challenge
8 the subpoena by motion to quash filed in the appropriate
9 district court named in the subpoena before compliance is
10 required.

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12 (c) In any investigation relating to criminal acts,
13 locating missing, exploited or endangered children, or
14 locating a fugitive from justice, a peace officer who has
15 qualified pursuant to W.S. 9-1-701 through 9-1-707 may
16 request the attorney general or the district attorney to
17 subpoena witnesses, to compel the attendance and testimony
18 of witnesses, or require the production of any records
19 including books, papers, documents and other tangible
20 things that constitute or contain evidence found by the
21 attorney to be relevant or material to the investigation.
22 The attendance of witnesses or the production of records
23 may be required from any place located or business
24 operating within the state.

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2 (d) Witnesses subpoenaed under this section shall be
3 paid the same fees and mileage costs as witnesses in the
4 state district courts.

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6 (e) If the attorney general or the district attorney
7 determines that disclosure of the existence of an
8 administrative subpoena, the existence of information
9 sought, or the existence of the investigation under which
10 the subpoena is issued would pose a threat of harm to a
11 person or otherwise impede the investigation, the subpoena
12 shall contain language on its face directing that the
13 witness not disclose to any person the existence or service
14 of the subpoena, the information being sought, or the
15 existence of an investigation.

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17 (f) As used in this section:

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19 (i) "Attorney general" means the attorney
20 general or a deputy or assistant attorney general;

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22 (ii) "District attorney" means as defined by
23 W.S. 8-1-102(a)(x) or a deputy to a district attorney as
24 defined in this paragraph.

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2 **Section 2.** This act is effective July 1, 2011.

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(END)