

HOUSE BILL NO. HB0062

Investigative subpoenas.

Sponsored by: Representative(s) Vranish, Botten, Brown and
Throne and Senator(s) Coe and Hastert

A BILL

for

1 AN ACT relating to criminal procedure; providing for
2 issuance of investigative subpoenas; and providing for an
3 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. 7-7-201 is created to read:

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9

ARTICLE 2

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INVESTIGATIVE SUBPOENAS

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12 **7-7-201. Investigative subpoenas.**

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14 (a) In any investigation of criminal acts or in any
15 investigation relating to locating missing, exploited or
16 endangered children or locating a fugitive from justice, a
17 peace officer may apply for an investigative subpoena as

1 provided in this section to require the production of any
2 records including books, papers, documents and other
3 tangible things that constitute or contain evidence
4 relevant and material to the investigation. Copies may be
5 provided unless originals are specified.

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7 (b) An investigative subpoena may be issued under
8 this section by any district judge, district court
9 commissioner, circuit judge or magistrate authorized
10 pursuant to W.S. 5-9-208(a), (b) or (c)(xv) or
11 5-9-212(a)(ix).

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13 (c) An investigative subpoena shall describe the
14 objects required to be produced and shall prescribe a
15 return date within a reasonable period of time, not less
16 than fourteen (14) days from the date of issuance of the
17 subpoena, within which the objects can be assembled and
18 made available. At any time before the return date
19 specified on the subpoena, the person subpoenaed may
20 petition the issuing court to set aside or modify the
21 subpoena. A person subpoenaed under this section shall be
22 advised by the subpoena that he has a right to challenge
23 the subpoena.

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(d) If no case or proceeding arises from the production of records or other documentation pursuant to this section within one (1) year after those records or documentation are produced, the custodian of the records shall offer to return the records and documentation to the person who produced them.

(e) Records or data reported or obtained pursuant to a subpoena under this section shall remain confidential and shall not be further disclosed unless in connection with a criminal case related to the subpoenaed materials.

13 (f) As used in this section "peace Officer" means as
14 defined in W.S. 7-2-101(a)(iv).

16 **Section 2.** This act is effective July 1, 2012.

18 (END)