

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:*

6

7 **Section 1.** W.S. 7-7-201 is created to read:

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9

ARTICLE 2

10

INVESTIGATIVE SUBPOENAS

11

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

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14 (a) In any investigation relating to locating missing
15 children, exploited or endangered persons or locating a
16 fugitive from justice, or any other emergency circumstances

1 requiring response or investigation to protect a person
2 from serious bodily injury or death, a peace officer, with
3 probable cause, may apply for an investigative subpoena as
4 provided in this section to require the production of any
5 records including books, papers, documents and other
6 tangible things that constitute or contain evidence
7 relevant and material to the investigation. Copies may be
8 provided unless originals are specified.

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10 (b) An investigative subpoena may be issued under
11 this section by any district judge, district court
12 commissioner, circuit judge or magistrate authorized
13 pursuant to W.S. 5-9-208(a), (b) or (c)(xv) or
14 5-9-212(a)(ix).

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16 (c) The issuance of any investigative subpoenas to
17 telecommunications, broadband or internet service providers
18 shall be in compliance with 47 U.S.C. 222, 47 U.S.C. 551,
19 18 U.S.C. 2510-2522, 18 U.S.C. 2701-2712 and other
20 applicable federal law.

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22 (d) An investigative subpoena shall describe the
23 objects required, the reason the information is needed and
24 when the information should be provided, not to exceed

1 fourteen (14) days from the date of issuance of the
2 subpoena within which the objects shall be assembled and
3 made available. The court may extend the time period for
4 good cause shown. At any time before the return date
5 specified on the subpoena, the person subpoenaed may
6 petition the issuing court to set aside or modify the
7 subpoena. A person subpoenaed under this section shall be
8 advised by the subpoena that he has a right to challenge
9 the subpoena.

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11 (e) The reasonable costs of production shall be borne
12 by the party who applied for the subpoena.

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

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

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2 (h) As used in this section "peace officer" means as
3 defined in W.S. 7-2-101(a)(iv).

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

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(END)