

1 agent with the rank of Captain or above and the General Counsel or
2 Assistant General Counsel of the Bureau, may subpoena witnesses,
3 compel the attendance and testimony of witnesses, and require the
4 production of any records, including books, papers, documents, and
5 other tangible things which constitute or contain evidence, which
6 the Director or agent finds relevant or material to the
7 investigation. The attendance of witnesses and the production of
8 records may be required from any place in the state to a designated
9 location in the county seat of the county of which the subpoenaed
10 person is an inhabitant or in which the subpoenaed person carries on
11 business or may be found. Witnesses summoned pursuant to this
12 section shall be paid the same fees and mileage that are paid
13 witnesses in the courts of this state.

14 B. The witness shall have the option of complying with the
15 subpoena by:

- 16 1. Appearing and/or producing documents, as requested; or
- 17 2. Notifying the Bureau, in writing, of refusal to appear or
18 produce documents within ten (10) days of the date of service.

19 The subpoena form shall clearly set forth the optional means of
20 compliance including instructions for sending written notice of
21 refusal.

22 C. A subpoena issued pursuant to this section may be served by
23 any person designated in the subpoena to serve it. Service upon a
24 natural person may be made by personal delivery of the subpoena to

1 him or her. Service may be made upon a domestic or foreign
2 corporation or upon a partnership or other unincorporated
3 association which is subject to suit under a common name, by
4 delivering the subpoena to an officer, to a managing or general
5 agent, or to any other agent authorized by appointment or by law to
6 receive service of process. The affidavit of the person serving the
7 subpoena entered on a true copy thereof by the person serving it
8 shall be proof of service.

9 D. In the case of contumacy by or refusal to obey a subpoena
10 issued to any person, the Director may invoke the aid of any
11 district court of the state within the jurisdiction of which the
12 investigation is carried on or of which the subpoenaed person is an
13 inhabitant, or in which he or she carries on business or may be
14 found, to compel compliance with the subpoena. The court may issue
15 an order requiring the subpoenaed person to appear before the
16 Director to produce records, if so ordered, or to give testimony
17 touching the matter under investigation. Any failure to obey the
18 order of the court may be punished by the court as an indirect
19 contempt thereof. All process in any such case may be served in any
20 judicial district in which such person may be found.

21 E. The district court of the county wherein the subpoena is
22 served may quash a subpoena issued pursuant to this section, upon a
23 motion to quash the subpoena filed with the court by the party to
24 whom the subpoena is issued.

1 SECTION 2. This act shall become effective November 1, 2023.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
4 04/05/2023 - DO PASS.

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