

## HOUSE BILL NO. HB0100

Investigative subpoenas.

Sponsored by: Representative(s) Zwonitzer, Dv. and Krone

A BILL

for

1 AN ACT relating to criminal procedure; providing for the  
 2 issuance of investigative subpoenas for internet fraud;  
 3 providing for confidentiality; and providing for an  
 4 effective date.

5

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

7

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

9

10

ARTICLE 2

11

INVESTIGATIVE SUBPOENAS

12

13 **7-7-201. Investigative subpoenas.**

14

15 (a) In any investigation relating to internet fraud,  
 16 a peace officer, with probable cause to believe that an  
 17 Internet fraud has been committed, may apply for an

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

7

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

13

14 (c) The issuance of any investigative subpoena to a  
15 telecommunication, broadband or Internet service provider  
16 shall be in compliance with 47 U.S.C. 222, 47 U.S.C. 551,  
17 18 U.S.C. 2510-2522, 18 U.S.C. 2701-2712 and other  
18 applicable federal law.

19

20 (d) An investigative subpoena shall describe the  
21 objects required, the reason the information is needed and  
22 when the information should be provided, not to exceed  
23 fourteen (14) days from the date of issuance of the  
24 subpoena within which the objects shall be assembled and

1 made available. The court may extend the time period for  
2 good cause shown. At any time before the return date  
3 specified on the subpoena, the person subpoenaed may  
4 petition the issuing court to set aside or modify the  
5 subpoena. A person subpoenaed under this section shall be  
6 advised by the subpoena that he has a right to challenge  
7 the subpoena.

8

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

11

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

19

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

24

1           (h) If a person issued an investigative subpoena  
2 under this section asserts a privilege under Wyoming law to  
3 the production of the information requested in the  
4 investigative subpoena and a process for compulsory  
5 production of the information exists in state or federal  
6 law, the process for compulsory production shall supersede  
7 the provisions for production under this section.

8

9           (j) As used in this section:

10

11                   (i) "Internet" means as defined in W.S.  
12 9-2-1035(a)(iii);

13

14                   (ii) "Internet fraud" means the use of the  
15 Internet to commit an offense specified in W.S. 6-3-501  
16 through 6-3-902;

17

18                   (iii) "Peace officer" means as defined in W.S.  
19 7-2-101(a)(iv)(A) through (D).

20

21           **Section 2.** This act is effective July 1, 2014.

22

23

(END)