

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.:	HB3777
Version:	SAHB
Request Number:	
Author:	Rep. Duel
Date:	5/23/2024
Impact:	Minimal

Research Analysis

HB 3777 establishes requirements for the issuance of criminal subpoenas issued on behalf of criminal defendants. The measure allows a subpoena issued to a law enforcement agency may require the production of body camera videos, vehicle mounted camera videos, traffic camera videos, and law enforcement incident reports. Law enforcement may charge a copying fee of \$1 per page or a video coping fee of \$50. Parties responsible for the issuance and service of a subpoena are to take steps to avoid imposing undue burdens or expenses on a person subject to the subpoena. The measure outlines situations under which the court must quash or modify a subpoena. A subpoena that directs the production of documents or inspection of premises before trial must be served on each party. The measure allows for the nonappearance of persons required to submit documents, unless commanded to appear. A person subject to a subpoena to produce documents may serve written objections to the subpoena within 14 days of service of the subpoena. A subpoena may be served by any person 18 years of age or older and may be accomplished by certified mail with return receipt requested.

The Senate Amendments clarifies language in the subpoena form.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure modifies procedure related to criminal subpoenas. Per the amendments of this measure, upon service of certain subpoenas the demanded person is to be tendered the fees for 1 day of attendance and the mileage allowed by law. Any costs related to this are expected to be negligible and in accordance with the normal duties pursuant to the issuance of subpoenas. Therefore, in its current form, HB3777 is not anticipated to have a negative impact on state budget or appropriations.

The FA1 to this measure allows law enforcement agency to charge certain fees when complying with the requests of subpoenas. This has the potential to offset costs that result from administering the provisions of HB3777, but the fiscal impact remains minimal.

The Senate Amendment to the House Bill clarifies language in the subpoena form and does not create fiscal impact.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.

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