

## BILL SUMMARY

1<sup>st</sup> Session of the 60<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1563</b>
<b>Version:</b>	<b>FA1</b>
<b>Request Number:</b>	<b>13374</b>
<b>Author:</b>	<b>Rep. Duel</b>
<b>Date:</b>	<b>3/26/2025</b>
<b>Impact:</b>	<b>DPS: \$238,070</b>

### Research Analysis

The Floor substitute to HB 1563 modifies the requirements for the issuance of criminal subpoenas for law enforcement records. The measure provides that a subpoena issued to a law enforcement agency may command the production of body camera videos, vehicle mounted camera videos, traffic camera videos, and law enforcement incident reports. The measure requires every subpoena issued to state the name of the court which issued the subpoena and the title of the action. The party responsible for the issuance of a subpoena is to take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The measure provides reasons for which the court is to quash or modify a subpoena. The measure provides that if a subpoena commands production of documents and things or inspection of premises from a nonparty before trial but does not require attendance of a witness, the subpoena must specify a date and location for the production or inspection that is at least seven days after the date that the subpoena and provides a timeline and procedure for written objections. The measure provides guidelines for claims of privilege or protection of trial preparation materials. The measure allows for the service of a subpoena by mail and clarifies the criminal contempt penalty provision.

### Changes made in the Floor Substitute:

Establishes a procedure for subpoena for recordings in possession of a business or commercial entity;

New Section 2 outlining procedure for law enforcement agency to notify issuer of subpoena if information sought is confidential juvenile records, the information would compromise an ongoing criminal investigation, or would compromise the identity of a confidential informant;

Adds conditions for which a court may quash a subpoena to include when the subpoena would require the disclosure of privileged or other protected information and no exception or waiver applies, or if the subpoena requires the production of things not relevant to any claim or defense of a party.

Prohibits service of a subpoena upon a human victim who is the subject of criminal actions prosecuted by the state;

Allows the court to modify conditions of a subpoena under certain circumstances.

Prepared By: Brad Wolgamott

### Fiscal Analysis

The CS to HB1563 sets forth new laws related to subpoenaing certain law enforcement videos and records. *Officials with the Department of Public Safety (DPS) have provided the following revised analysis:*

DPS anticipates an annual cost of \$238,070 representing salary, benefits, and incidentals for three new staff members. These three new staff members include one attorney, one administrative assistant, and one dashcam/video technician. This personnel will be responsible for processing and handling the volume of discovery requests to which DPS may be subjected through HB1563.

Therefore, in its current form, HB1563 creates an annual cost of \$238,070 to DPS for personnel to administer the provisions the measure.

The FA1 does not change the fiscal impact of the measure.

Prepared By: Robert Flipping IV, House Fiscal Staff

**Other Considerations**

None.