
DIGEST

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Ortego

HB No. 761

Abstract: Provides relative to the time to produce certain information in response to a subpoena issued in investigations for certain offenses.

Present law provides for the issuance of subpoenas for the compulsory attendance of witnesses at hearings or trials, for the issuance of subpoenas duces tecum for the production of books, papers, documents, or other tangible things, and for the issuance of administrative subpoenas issued by law enforcement for the production of certain information in the investigation of certain offenses.

With regard to the issuance of administrative subpoenas, present law provides that the subpoena shall prescribe a return date with a "reasonable period of time" within which the objects can be assembled and made available.

Proposed law amends present law to provide that the objects requested in an administrative subpoena issued by law enforcement pursuant to present law shall be produced within 24 hours of the time that the subpoena was served.

Proposed law further provides that any subpoena, including administrative subpoenas, lawfully issued in investigation of certain crimes, including theft and the possession of stolen things, that requests any of the following information shall prescribe a return date that is within 24 hours from the time that the subpoena is served: Internet protocol address, name of account holder, billing and service address, telephone number, account status, method of access to the Internet, and automatic number identification records if access is by modem.

(Amends C.Cr.P. Art. 732.1(D); Adds C.Cr.P. Art. 732.2)