

SB1038/243125/1

BY: Chair, Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 1038
(Bill as Printed for Third Reading)

On page 1, in line 17, after “(B)” insert “(1)”.

On page 2, strike in their entirety lines 1 through 7, inclusive, and substitute:

“(I) THE COMMISSION MAY APPLY TO A CIRCUIT COURT IN ANY COUNTY FOR AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY; AND

(II) THE COURT MAY ISSUE AN ORDER REQUIRING THE ATTENDANCE AND TESTIMONY OF THE WITNESS AND THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY:

1. AFTER NOTICE TO THE PERSON SUBPOENAED AS A WITNESS OR DIRECTED TO PRODUCE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY; AND

2. ON A FINDING THAT THE ATTENDANCE AND TESTIMONY OF THE WITNESS OR THE PRODUCTION OF THE BOOKS, PAPERS, RECORDS, ELECTRONICALLY STORED INFORMATION, DOCUMENTS, AND TANGIBLE PROPERTY IS RELEVANT OR NECESSARY FOR THE PROCEEDINGS OF THE COMMISSION.

(2) AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION SHALL BE SERVED ON THE PERSON TO WHOM IT IS DIRECTED BY THE SHERIFF OR DEPUTY SHERIFF.

(3) A FAILURE TO OBEY AN ORDER ISSUED BY THE COURT UNDER THIS SUBSECTION MAY BE PUNISHED BY THE COURT AS CONTEMPT OF COURT.”.