

HOUSE BILL NO. HB0076

Investigative subpoenas.

Sponsored by: Representative(s) Zwonitzer, Dv. and Brown
and Senator(s) Esquibel, F.

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; providing definitions; and
4 providing for an 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.**

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15 (a) In any investigation relating to internet fraud,
16 a peace officer, with probable cause, 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.

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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.

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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.

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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.

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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.

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9 (j) As used in this section:

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

13

14 (ii) "Internet fraud" means any crime in which
15 the perpetrator uses the internet in any way to deprive a
16 person of property or any interest, estate or right;

17

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

20

21 **Section 2.** This act is effective July 1, 2013.

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(END)