

House Bill 2354

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies number of days required for service of subpoena to produce and permit inspection of records of person who is not party in dependency matter.

A BILL FOR AN ACT

1
2 Relating to children; amending ORS 419B.899.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 419B.899 is amended to read:

5 419B.899. (1) A subpoena may be issued:

6 (a) To require attendance before a court, at the trial of an issue in a court or, if separate from
7 a subpoena commanding the attendance of a person, to produce and permit inspection of books, pa-
8 pers, documents or other tangible things. A subpoena may be issued under this paragraph:

9 (A) In blank by the clerk of the court in which the action is pending or, if there is no clerk, by
10 a judge or justice of the court; or

11 (B) By an attorney of record of the party to the action in whose behalf the witness is required
12 to appear, subscribed by the signature of the attorney.

13 (b) To require attendance at a deposition authorized under ORS 419B.884.

14 (c) To require attendance out of court in cases not provided for in paragraph (a) of this sub-
15 section, before a judge, justice or other officer authorized to administer oaths or take testimony in
16 any matter under the laws of this state. A subpoena may be issued under this paragraph by the
17 judge, justice or other officer before whom the attendance is required.

18 (2) Upon the request of a party or attorney, any subpoena issued by a clerk of court may be
19 issued in blank and delivered to the party or attorney requesting it, who must fill it in before ser-
20 vice.

21 (3) A subpoena to produce and permit inspection of records of a person who is not a party to
22 the action must be served on the person and, if the person is represented, the person's attorney at
23 least [10] **nine** days before the subpoena is served on the keeper or custodian of the records.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.