

Senate Bill 112

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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**.

Provides for alternative methods for serving corporations and limited partnerships with subpoenas for production of papers, documents, records or other tangible things in criminal actions.

A BILL FOR AN ACT

1
2 Relating to subpoenas in criminal actions; amending ORS 136.595.

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

4 **SECTION 1.** ORS 136.595 is amended to read:

5 136.595. (1) Except as provided in ORS 136.447 and [*subsection (2)*] **subsections (2) and (3)** of
6 this section, a subpoena is served by delivering a copy to the witness personally. Proof of the ser-
7 vice is made in the same manner as in the service of a summons.

8 (2)(a) Every law enforcement agency shall designate an individual or individuals upon whom
9 service of subpoena may be made. At least one of the designated individuals shall be available dur-
10 ing normal business hours. In the absence of the designated individuals, service of subpoena pursu-
11 ant to paragraph (b) of this subsection may be made upon the officer in charge of the law
12 enforcement agency.

13 (b) If a peace officer's attendance at trial is required as a result of employment as a peace of-
14 ficer, a subpoena may be served on the peace officer by delivering a copy personally to the officer
15 or to one of the individuals designated by the agency that employs the officer not later than 10 days
16 prior to the date attendance is sought. A subpoena may be served in this manner only if the officer
17 is currently employed as a peace officer and is present within the state at the time of service.

18 (c) When a subpoena has been served as provided in paragraph (b) of this subsection, the law
19 enforcement agency shall make a good faith effort to actually notify the officer whose attendance
20 is sought of the date, time and location of the court appearance. If the officer cannot be notified,
21 the law enforcement agency shall contact the court and a continuance may be granted to allow the
22 officer to be personally served.

23 (d) As used in this subsection, "law enforcement agency" means the Oregon State Police, a
24 county sheriff's department or a municipal police department.

25 **(3) A subpoena for the production of papers, documents, records and other tangible**
26 **things may be served on a corporation or limited partnership in the manner provided by**
27 **ORCP 7 D(3) for the service of a summons.**

28 [(3)] (4) When a subpoena has been served as provided in subsection (1) [*or*], (2) **or (3)** of this
29 section and, subsequent to service, the date on, or the time at, which the person subpoenaed is to
30 appear has changed, a new subpoena is not required to be served if:

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.

1 (a) The subpoena is continued orally in open court in the presence of the person subpoenaed;

2 or

3 (b) The party who issued the original subpoena notifies the person subpoenaed of the change
4 by first class mail and by:

5 (A) Certified or registered mail, return receipt requested; or

6 (B) Express mail.

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