

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 1
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	Shields
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/5, 2/25

WHAT THE MEASURE DOES: Allows grand jury to receive in evidence an affidavit authenticating the records of a financial institution.

ISSUES DISCUSSED:

- Efficiency and cost savings

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In certain cases a representative from a financial institution must be subpoenaed and attend grand jury in order to admit or open records from that institution into evidence. The representative would testify that the records are kept during the normal course of business and that they are in fact records from the financial institution. This testimony is particularly common in cases involving identity theft and credit card fraud.

It is often difficult to locate a representative from a financial institution in time to bring a case to indictment. This delay costs the state money and can place the defendant at a disadvantage. A case must be brought to grand jury within a matter of days. If an indictment is not received the case is reported as a dismissal. If in custody at that time, the defendant is released. Regardless of whether or not the defendant is in custody, the person will be told that the charges have been dismissed. After that time, if the state proceeds with an indictment against the defendant, it results in a warrant for the person's arrest. Much of this can be avoided by implementing HB 2333.