

HB 3148 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/28

WHAT THE MEASURE DOES:

Removes authorization for a peace officer to request an investigative subpoena be issued and served from a circuit court judge. Allows a peace officer who has probable cause to believe that an individual is missing and in danger to request a circuit court judge issue a court order toward any person that is believed by certain persons to have information that may be useful in locating the missing person. States that a person who receives a subpoena or court order issued under this measure may respond by asserting their constitutional right against self-incrimination. Directs that evidence obtained pursuant to this section may not be used for a criminal investigation or prosecution of missing individual.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

House Bill 3148 removes authorization for a peace officer to request an investigative subpoena (or subpoena duces tecum) from a judge when that peace officer has probable cause to believe an individual is missing and in danger; instead allows a request for a court order that requires a person to appear and testify or produce evidence to further the investigation of a missing person. States that a person who receives a subpoena or court order may respond by asserting their constitutional right against self-incrimination. Currently the law prohibits using the evidence obtained in this process for a criminal investigation or prosecution against anyone; the measure would narrow this immunity and would only prohibit use of the evidence against the missing individual.