

**HB 3148 STAFF MEASURE SUMMARY**

Carrier: Rep. Osborne

**House Committee On Judiciary****Action Date:** 03/23/23**Action:** Do Pass.**Vote:** 10-0-0-0**Yeas:** 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Amie Fender-Sosa, LPRO Analyst**Meeting Dates:** 2/28, 3/23**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 the missing individual.

**ISSUES DISCUSSED:**

- Information received early can mean the difference between life and death
- Current subpoena requirements can be difficult
- Entities are more likely to cooperate with a court order than a subpoena
- Current law prohibits any information obtained during this process to be used in any criminal process, including information found against the person who may have committed a crime against the missing person (for example, causing the disappearance)
- Subpoena mostly used as an investigative tool for information like GPS tracking of the missing person

**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.