

FINAL BILL REPORT

SB 5446

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Synopsis as Enacted

Brief Description: Providing a process for the state auditor's office to apply for investigative subpoenas.

Sponsors: Senators Hobbs, Schoesler, Hatfield and Tom; by request of State Auditor.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Article I, section 7 of the Washington State Constitution provides that, no person be disturbed in private affairs, or have the person's home invaded, without authority of law.

The state auditor's office is authorized to issue subpoenas and compulsory process, compel the attendance of witnesses, and compel the production of books and papers before them at any designated time and place, and may also administer oaths.

If a person is summoned to appear and give testimony and that person either fails to appear or refuses to provide the requested information, the person requesting the information must apply to a superior court judge to issue a subpoena for the person to appear and give testimony. If the person fails to appear before the court or provide the requested information, the court may then hold that person in contempt.

Summary: The state auditor or authorized assistants may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found; the county where the subpoenaed records or documents are located; or in Thurston county.

The application must:

- state that an order is sought;
- adequately specify the records, documents, or testimony; and
- declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the state auditor's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the state auditor's authority.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When the application is satisfactory to the court, the court must issue an order approving the subpoena.

The auditor may seek and the court may issue an order approving a subpoena without prior notice to any person.

Votes on Final Passage:

Senate	49	0
House	93	0

Effective: July 28, 2013.