
SENATE BILL 5446

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hobbs, Schoesler, Hatfield, and Tom; by request of State Auditor

Read first time 01/30/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to state auditor applications for investigative
2 subpoenas; adding a new section to chapter 43.09 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends to provide a process
6 for the state auditor's office to apply for court approval of an
7 investigative subpoena which is authorized under current law in cases
8 where the agency seeks such approval, or where court approval is
9 required by Article I, section 7 of the state Constitution. The
10 legislature does not intend to require court approval except where
11 otherwise required by law or Article I, section 7 of the state
12 Constitution. The legislature does not intend to create any new
13 authority to subpoena records or create any new rights for any person.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.09 RCW
15 to read as follows:

16 (1) In addition to the authority granted in RCW 43.09.165, the
17 state auditor and his or her authorized assistants may apply for and
18 obtain a superior court order approving and authorizing a subpoena in

1 advance of its issuance. The application may be made in the county
2 where the subpoenaed person resides or is found, or the county where
3 the subpoenaed records or documents are located, or in Thurston county.
4 The application must (a) state that an order is sought pursuant to this
5 subsection; (b) adequately specify the records, documents, or
6 testimony; and (c) declare under oath that an investigation is being
7 conducted for a lawfully authorized purpose related to an investigation
8 within the state auditor's authority and that the subpoenaed documents
9 or testimony are reasonably related to an investigation within the
10 state auditor's authority.

11 (2) Where the application under this section is made to the
12 satisfaction of the court, the court must issue an order approving the
13 subpoena. An order under this section constitutes authority of law for
14 the state auditor to subpoena the records or testimony.

15 (3) The state auditor and his or her authorized assistants may seek
16 approval and a court may issue an order under this section without
17 prior notice to any person, including the person to whom the subpoena
18 is directed and the person who is the subject of an investigation.

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