

36-14-5 Legislative subpoenas -- Enforcement.

- (1) If any person disobeys or fails to comply with a legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, that person is in contempt of the Legislature.
- (2)
 - (a) When the subject of a legislative subpoena disobeys or fails to comply with the legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, the issuer may:
 - (i) file a motion for an order to compel obedience to the subpoena with the district court;
 - (ii) file, with the district court, a motion for an order to show cause why the penalties established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the Legislature; or
 - (iii) pursue other remedies against persons in contempt of the Legislature.
 - (b)
 - (i) Upon receipt of a motion under this subsection, the court shall expedite the hearing and decision on the motion.
 - (ii) A court may:
 - (A) order the person named in the subpoena to comply with the subpoena; and
 - (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt of the Legislature.
- (3)
 - (a) If a legislative subpoena requires the production of accounts, books, papers, documents, electronically stored information, or tangible things, the person or entity to whom it is directed may petition a district court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.
 - (b) An issuer may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (2).
 - (c) If the court finds that a legislative subpoena requiring the production of accounts, books, papers, documents, electronically stored information, or tangible things is unreasonable or oppressive, the court may quash or modify the subpoena.
- (4) Nothing in this section prevents an issuer from seeking an extraordinary writ to remedy contempt of the Legislature.
- (5) Any party aggrieved by a decision of a court under this section may appeal that action directly to the Utah Supreme Court.

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1