

## Chapter 14 Legislative Subpoena Powers

### 36-14-1 Definitions.

As used in this chapter:

- (1) "Issuer" means a person authorized to issue a subpoena by this chapter.
- (2) "Legislative body" means:
  - (a) the Legislature;
  - (b) the House or Senate; or
  - (c) any committee or subcommittee of the Legislature, the House, or the Senate.
- (3) "Legislative office" means the Office of Legislative Research and General Counsel, Office of the Legislative Fiscal Analyst, and the Office of the Legislative Auditor General.
- (4) "Legislative staff member" means an employee or independent contractor of a legislative office.
- (5) "Legislative subpoena" means a subpoena issued by an issuer on behalf of a legislative body or legislative office and includes:
  - (a) a subpoena requiring a person to appear and testify at a time and place designated in the subpoena;
  - (b) a subpoena requiring a person to:
    - (i) appear and testify at a time and place designated in the subpoena; and
    - (ii) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; and
  - (c) a subpoena requiring a person to produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at a time and place designated in the subpoena.
- (6) "Special investigative committee" is as defined in Subsection 36-12-9(1).

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1

### 36-14-2 Issuers.

- (1) Any of the following persons is an issuer, who may issue legislative subpoenas by following the procedures set forth in this chapter:
  - (a) the speaker of the House of Representatives;
  - (b) the president of the Senate;
  - (c) a chair of any legislative standing committee;
  - (d) a chair of any legislative interim committee;
  - (e) a chair of any special committee established by the Legislative Management Committee, the speaker of the House of Representatives, or the president of the Senate;
  - (f) a chair of any subcommittee of the Legislative Management Committee;
  - (g) a chair of a special investigative committee;
  - (h) a chair of a Senate or House Ethics Committee;
  - (i) a chair of the Executive Appropriations Committee as created in JR3-2-401;
  - (j) a chair of an appropriations subcommittee as created in JR3-2-302;
  - (k) the director of the Office of Legislative Research and General Counsel;
  - (l) the legislative auditor general;
  - (m) the legislative fiscal analyst; and
  - (n) the legislative general counsel.

- (2) A legislative body, a legislative office, an issuer, or a legislative staff member designated by an issuer may:
- (a) administer an oath or affirmation; and
  - (b) take evidence, including testimony.

Amended by Chapter 21, 2023 General Session

**36-14-3 Contents.**

Each legislative subpoena shall include:

- (1) the name of the legislative body or office on whose behalf the subpoena is issued;
- (2) the signature of the issuer;
- (3) a command to the person or entity to whom the subpoena is addressed to:
  - (a) appear and testify at the time and place set forth in the subpoena;
  - (b) appear and testify at the time and place designated in the subpoena and produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; or
  - (c) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at the time and place designated in the subpoena.

Amended by Chapter 1, 2013 Special Session 1

Amended by Chapter 1, 2013 Special Session 1

**36-14-4 Service.**

Legislative subpoenas may be served:

- (1) within the state, by the sheriff of the county where service is made, or by his deputy, or by any other person 18 years old or older who is not a member of the entity issuing the subpoena;
- (2) in another state or United States territory, by the sheriff of the county where the service is made, or by his deputy, or by a United States marshal or his deputy;
- (3) in a foreign country:
  - (a) by following the procedures prescribed by the law of the foreign country;
  - (b) upon an individual, by any person 18 years old or older who is not a member of the entity delivering the subpoena to him personally, and upon a corporation or partnership or association, by any person 18 years old or older who is not a member of the entity delivering the subpoena to an officer, a managing or general agent of the corporation, partnership, or association; or
  - (c) by any form of mail requiring a signed receipt, to be addressed and dispatched by the legislative general counsel to the party to be served; or
- (4) by electronic transmission requiring acknowledgment of receipt.

Amended by Chapter 21, 2023 General Session

**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.
- (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 the subpoena 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 21, 2023 General Session

**36-14-6 Fees and mileage.**

Except state officers and employees, witnesses appearing pursuant to a legislative subpoena shall receive witness fees and mileage as provided by law for attendance before the district courts of this state.

Enacted by Chapter 174, 1989 General Session