

63A-13-401 Subpoena power -- Enforcement.

- (1) The inspector general has the power to issue a subpoena to obtain a record or interview a person that the office or inspector general has the right to access under Part 3, Investigation or Audit.
- (2) A person who fails to comply with a subpoena issued by the inspector general or who refuses to testify regarding a matter upon which the person may be lawfully interrogated:
 - (a) is in contempt of the inspector general; and
 - (b) upon request by the inspector general, the attorney general shall:
 - (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 inspector general; or
 - (iii) pursue other legal remedies against the person.
- (3) Upon receipt of a motion under Subsection (2), the court:
 - (a) shall expedite the hearing and decision on the motion; and
 - (b) may:
 - (i) order the person named in the subpoena to comply with the subpoena; and
 - (ii) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt of the inspector general.
- (4)
 - (a) If a subpoena described in this section requires the production of accounts, books, papers, documents, or other tangible items, 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) The inspector general may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (3).
 - (c) If the court finds that a subpoena requiring the production of accounts, books, papers, documents, or other tangible items is unreasonable or oppressive, the court may quash or modify the subpoena.
- (5) Nothing in this section prevents the inspector general from seeking an extraordinary writ to remedy contempt of the inspector general.
- (6) Any party aggrieved by a decision of a court under this section may appeal that decision directly to the Utah Supreme Court.

Renumbered and Amended by Chapter 12, 2013 General Session