

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

CORRECTED COMMITTEE STATEMENT

LB952

Hearing Date: January 31, 2008

Committee On: Judiciary

Introducer(s): (Lathrop)

Title: Change provisions relating to administrative subpoena powers

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

7	Yes	Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pedersen, Schimek
0	No	
0	Absent	
1	Present, not voting	Senator Pirsch

Proponents:

James Mowbray

Representing:

Nebraska State Bar Association

Opponents:

Bryan Tuma

Representing:

Nebraska State Patrol

Neutral:**Representing:**

Summary of purpose and/or change:

Under current law, State Administrative Departments have the authority to compel testimony by issuing administrative subpoenas. According to the Attorney General's interpretation of that authority, the state patrol can use administrative subpoenas in criminal investigations to compel electronic communication records that do not contain content without a court order. Legislative Bill 952 clarifies the language of § 81-119, 86-2,106, 86-2,108 and 86-2,108 to prohibit the use of administrative subpoenas in criminal investigations and also to prohibit the use of administrative subpoenas to compel electronic communication records.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson