



Hundredth Legislature - Second Session - 2008  
**Introducer's Statement of Intent**  
**LB 952**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** January 31, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

On June 12, 2007 the Attorney General issued an opinion entitled "Authority of Nebraska State Patrol to Issue Administrative Subpoenas to Obtain Electronic Records of Subscriber Information Which Does Not Include Content from Providers of Electronic Communication Services." This opinion interprets Neb. Rev. Stat. §§ 81-119 and 81-101 which empower State Administrative Departments to compel testimony via administrative subpoenas for the purpose of conducting the necessary administrative business of the department. The opinion expands the use of administrative subpoenas to the State Patrol for purposes of criminal investigations. This interpretation would allow the patrol to subpoena, without a court order, electronic records that do not include content.

LB 952 clarifies the statutory language to preclude this interpretation. It simplifies the language empowering agencies to use administrative subpoenas and specifically it prohibits their use in criminal investigations.

**Principal Introducer:**

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**Senator Steve Lathrop**