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SENATE BILL NO. 54

Offered January 10, 2018

Prefiled November 27, 2017

A *BILL to amend and reenact § 54.1-307 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; subpoena duces tecum; costs.*

Patron—DeSteph

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-307 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-307. Subpoenas.

A. In addition to the authority granted in § 2.2-4022 to issue subpoenas and the right to issue subpoenas granted the several regulatory boards within the Department of Professional and Occupational Regulation, the Director or a designated subordinate shall have the right to make an ex parte application to the circuit court for the *county or city or county* wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or a regulatory board to request production of any relevant records, documents, and physical or other evidence of any person, partnership, association, or corporation licensed or regulated by the Department. The court shall be authorized to issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

B. *Any person, partnership, association, or corporation licensed or regulated by the Department that has a motion to quash a subpoena duces tecum issued pursuant to subsection A shall be awarded reasonable costs and attorney fees or \$500, whichever is greater.*

INTRODUCED

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