

SB 663

RECEIVED

99 MAR 30 PM 4:25

OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 663

(By Senator MITCHELL)



PASSED MARCH 12, 1999

In Effect NINETY DAYS FROM Passage

RECEIVED

99 MAR 30 PM 4: 36

OFFICE OF THE CLERK OF THE SENATE
SECRETARY OF STATE

ENROLLED

Senate Bill No. 663

(BY SENATOR MITCHELL)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article two-a, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exempting grand jury subpoenas served upon financial institutions from statutory provisions requiring notice to the customer or a judicial waiver.

Be it enacted by the Legislature of West Virginia:

That section six, article two-a, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. MAXWELL GOVERNMENTAL ACCESS TO FINANCIAL RECORDS ACT.

§31A-2A-6. Subpoena issued by grand jury.

- 1 (a) Notwithstanding the provisions of section five of this
- 2 article, a financial institution may disclose or produce
- 3 financial records upon being served with a subpoena

4 issued under authority of a grand jury without notice or
5 service upon the customer.

6 (b) Financial records obtained pursuant to a subpoena
7 issued under the authority of a grand jury:

8 (1) Shall be returned and actually presented to the grand
9 jury;

10 (2) Shall be used only: (A) For the purpose of consider-
11 ing whether to issue an indictment or presentment by that
12 grand jury; (B) for the purpose of prosecuting a crime for
13 which that indictment or presentment is issued; or (C) for
14 any other purpose authorized by the West Virginia rules of
15 criminal procedure; and

16 (3) Shall be destroyed or returned to the financial
17 institution if not used for one of the purposes specified in
18 subdivision (2) of this subsection.

19 (c) Financial records obtained pursuant to a subpoena
20 issued under the authority of a grand jury and any descrip-
21 tions of the contents of such financial records must be
22 maintained in sealed records of the grand jury unless such
23 financial records or descriptions thereof have been used in
24 the prosecution of a crime for which the grand jury issued
25 an indictment or presentment or for any other purpose
26 authorized by the West Virginia rules of criminal proce-
27 dure.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Henry Schorauer
.....
Chairman Senate Committee

Jeff. Smith
.....
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

Russell Gibson
.....
Clerk of the Senate

Gregory M. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within..... *approval* this the *30th*
March
Day of, 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:50 am