

PROPOSED

501.14 MISDEMEANOR INVESTIGATION; EXAMINATION OF WITNESS AND EVIDENCE

- (a) After a misdemeanor offense has been committed, and before a criminal complaint has been filed or an arrest has been made, the Mayor, Mayor's Court Magistrate, City Attorney, Assistant City Attorney or any Judge of the Franklin County Municipal Court, may cause a subpoena to issue, returnable before such Court, for any person to give information concerning such misdemeanor offense, including testimony, designated books, records, or other documents. The subpoena shall require the witness to appear forthwith at a date and time designated in the subpoena.
- (b) Before a witness is required to give information or produce documents under this section, the witness must be informed of the purpose of the inquiry, and that the witness is required to tell the truth concerning same. The witness shall then be sworn and be examined under oath by any police officer, the City Attorney, Assistant City Attorney, or Assistant City Prosecutor, subject to the constitutional right against self-incrimination.
- (c) If, after being sworn, or during the inquiry, a witness subpoenaed under this section asserts the constitutional right against self-incrimination, the police officer, City Attorney, Assistant City Attorney, or Assistant City Prosecutor shall cease the inquiry until the validity of such claim is determined by the Court.
- (d) No person shall fail to appear, or fail to be sworn, or fail to produce books, records or other documents, at the designated time and place in response to a subpoena issued under this section. A witness who has been subpoenaed and intends to assert the constitutional right against self-incrimination is not excused from appearing or being sworn in response to the subpoena issued pursuant to this section, but may assert such privilege after appearing and being sworn, and at such time the parties shall proceed in accordance with division (c) of this section.
- (e) Prior to the date specified in the subpoena, a witness may comply with the subpoena issued under this section for books, records, or other documents by voluntarily producing the items to the law enforcement personnel who requested the subpoena.
- (f) Any person who violates division (d) of this section is guilty of an unclassified misdemeanor, as that penalty is defined in Section 501.99(a)(2)(F) of this Code.