

**Public Chapter 377**

HOUSE BILL NO. 1028

By Representative Buck

Substituted for: Senate Bill No. 1507

By Senator Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 15; Title 24, Chapter 2 and Title 40, Chapter 17, relative to subpoenas and the attendance of witnesses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-15-708, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) The provisions of this section shall govern when a judge or clerk is required to issue a subpoena and the consequences of a person's refusal to appear, testify or produce evidence when subpoenaed pursuant to this section. If any local rule of court conflicts with the provisions of this section, the provisions of this section shall prevail and the clerk or other official shall issue subpoenas and the judge shall punish the failure to respond to subpoenas in accordance with the provisions of this section

SECTION 2. Tennessee Code Annotated, Title 24, Chapter 2, is amended by adding the following as a new section:

Section\_\_\_\_. The provisions of Rule 45 of the Rules of Civil Procedure shall govern when a clerk or other authorized officer is required to issue a subpoena in a civil case in circuit court and the consequences of a person's refusal to appear, testify or produce evidence when subpoenaed pursuant to such rule. If any local rule of court conflicts with the provisions of Rule 45, the provisions of Rule 45 shall prevail and the clerk or other authorized officer shall issue subpoenas and the judge shall punish the refusal to respond to subpoenas in accordance with the provisions of such rule.

SECTION 3. Tennessee Code Annotated, Section 40-17-107, is amended by adding the following new subsection (d):

(d) The provisions of this section shall govern when a clerk is required to issue a subpoena in a criminal case in general sessions court. If any local rule of court conflicts with the provisions of this section, the provisions of this section shall prevail and the clerk shall issue subpoenas in accordance with this section.

SECTION 4. Tennessee Code Annotated, Title 40, Chapter 17 Part 1, is amended by adding the following as a new section:

Section\_\_\_\_. The provisions of Rule 17 of the Rules of Criminal Procedure shall govern when a clerk or other authorized officer of the court is required to issue a subpoena in a criminal case in criminal court and the consequences of a person's refusal to appear, testify or produce evidence when subpoenaed pursuant to such rule. If any local rule of court conflicts with the provisions of Rule 17, the provisions of Rule 17 shall prevail and the clerk or other authorized officer of the court shall issue subpoenas and the judge shall punish the refusal to respond to subpoenas in accordance with the provisions of such rule.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.