

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 876
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80280-LH-166 (03/20)

Short Title: Local LEO/Serve Subpoena by Phone. (Public)

Sponsors: Representative Turner.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT ANY EMPLOYEE OF A LOCAL LAW ENFORCEMENT
3 AGENCY MAY SERVE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS BY
4 TELEPHONE COMMUNICATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Rule 45(b) of Chapter 1A of the General Statutes reads as rewritten:

7 "(b) Service. –

8 (1) Manner. – Any subpoena may be served by the sheriff, by the sheriff's
9 deputy, by a coroner, or by any person who is not a party and is not less than
10 18 years of age. Service of a subpoena upon a person named therein shall be
11 made by delivering a copy thereof to that person or by registered or certified
12 mail, return receipt requested. Service of a subpoena for the attendance of a
13 witness only may also be made by telephone communication with the person
14 named therein only by a sheriff, the sheriff's designee who is not less than 18
15 years of age and is not a party, ~~or a coroner.~~ a coroner, or any employee of a
16 local law enforcement agency.

17 (2) Service of copy. – A copy of the subpoena served under subdivision (b)(1)
18 of this subsection shall also be served upon each party in the manner
19 prescribed by Rule 5(b).

20 (3) Subdivision (b)(2) of this subsection does not apply to subpoenas issued
21 under G.S. 15A-801 or G.S. 15A-802."

22 **SECTION 2.** The Administrative Office of the Courts shall update the subpoena
23 form to indicate that any employee of a local law enforcement agency may serve a subpoena
24 for the attendance of a witness by telephone communication.

25 **SECTION 3.** This act is effective when it becomes law.

