

SENATE BILL No. 248

By Committee on Judiciary

2-10

9 AN ACT concerning criminal procedure; relating to inquisitions; amend-
10 ing K.S.A. 2004 Supp. 22-3101 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2004 Supp. 22-3101 is hereby amended to read as
14 follows: 22-3101. ~~(1)~~ (a) If the attorney general, an assistant attorney
15 general, the county attorney or the district attorney of any county is in-
16 formed or has knowledge of any alleged violation of the laws of Kansas,
17 such person may apply to a district judge to conduct an inquisition. An
18 application for an inquisition shall be in writing, verified under oath, set-
19 ting forth the alleged violation of law. Upon the filing of the application,
20 the judge with whom it is filed, on the written praecept of such attorney,
21 shall issue a subpoena for the witnesses named in such praecept com-
22 manding them to appear and testify concerning the matters under inves-
23 tigation. Such subpoenas shall be served and returned as subpoenas for
24 witnesses in criminal cases in the district court.

25 ~~(2)~~ If the attorney general, assistant attorney general, county attorney
26 or district attorney, or in the absence of the county or district attorney a
27 designated assistant county or district attorney, is informed or has knowl-
28 edge of any alleged violation in this state pertaining to gambling, intoxi-
29 cating liquors, criminal syndicalism, racketeering, bribery, tampering with
30 a sports contest, narcotic or dangerous drugs or any violation of any law
31 where the accused is a fugitive from justice, such attorney shall be au-
32 thorized to issue subpoenas for such persons as such attorney has any
33 reason to believe or has any information relating thereto or knowledge
34 thereof, to appear before such attorney at a time and place to be desig-
35 nated in the subpoena and testify concerning any such violation. For such
36 purposes, any prosecuting attorney shall be authorized to administer
37 oaths. If an assistant county or district attorney is designated by the county
38 or district attorney for the purposes of this subsection, such designation
39 shall be filed with the chief judge of such judicial district.

40 ~~(3)~~ (b) Each witness shall be sworn to make true answers to all ques-
41 tions propounded to such witness touching the matters under investiga-
42 tion. The testimony of each witness shall be reduced to writing and signed
43 by the witness. Any person who disobeys a subpoena issued for such

1 appearance or refuses to be sworn as a witness or answer any proper
2 question propounded during the inquisition, may be adjudged in con-
3 tempt of court and punished by fine and imprisonment.

4 Sec. 2. K.S.A. 2004 Supp. 22-3101 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.