

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0382.01 Jerry Barry x4341

HOUSE BILL 17-1023

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Court and Holbert,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF PROCEDURES FOR SUBPOENAS FOR**
102 **DECEPTIVE TRADE PRACTICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

The bill clarifies that the attorney general or a district attorney may issue a subpoena to a person whom he or she believes has engaged or is engaging in a deceptive trade practice in violation of Colorado statute. It also specifies that the subpoena may be issued pursuant to rule 4 of the Colorado rules of civil procedure.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-108, **amend** (1)
3 and (2) as follows:

4 **6-1-108. Subpoenas - hearings - rules.** (1) WHEN THE
5 ATTORNEY GENERAL OR A DISTRICT ATTORNEY HAS CAUSE TO BELIEVE
6 THAT A PERSON, WHETHER IN THIS STATE OR ELSEWHERE, HAS ENGAGED
7 IN OR IS ENGAGING IN A DECEPTIVE TRADE PRACTICE LISTED IN SECTION
8 6-1-105 OR PART 7 OF THIS ARTICLE 1, the attorney general or a district
9 attorney, in addition to other powers conferred upon him or her by this
10 ~~article~~ ARTICLE 1, may issue subpoenas to require the attendance of
11 witnesses or the production of documents, administer oaths, conduct
12 hearings in aid of any investigation or inquiry, and prescribe such forms
13 and promulgate such rules as may be necessary to administer the
14 provisions of this ~~article~~ ARTICLE 1.

15 (2) Service of any notice or subpoena may be made in the manner
16 prescribed by law or AS PROVIDED IN RULE 4 OF the Colorado rules of civil
17 procedure.

18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.