

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1168
SENATE BILL 687

1 AN ACT TO AMEND G.S. 8-61 RELATING TO ISSUANCE OF SUBPOENA DUCES
2 TECUM FOR PRODUCTION OF PUBLIC RECORDS.

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4 WHEREAS, public officials are often required to travel great distances, consuming
5 valuable time, and incurring unnecessary expense to the public in compliance with subpoenas
6 duces tecum for the production of public records; and

7 WHEREAS, no necessity exists for the personal appearance of such officials except
8 to authenticate the records produced; and

9 WHEREAS, a substantial savings in time and money will accrue to the benefit of
10 the taxpayers of this State if these officials be permitted to remain at their duties unless their
11 presence is required because of peculiar personal knowledge of the controversy involved: Now,
12 therefore,

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14 The General Assembly of North Carolina do enact:

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16 **Section 1.** G.S. 8-61, as the same appears in the 1953 Recompiled Volume 1B of
17 the General Statutes, is rewritten to read as follows:

18 "Any court, board or other body empowered to compel the attendance of witnesses may
19 issue the process of subpoena duces tecum for the purpose of requiring the production of any
20 public record not declared privileged or confidential under any statute of this State in like
21 manner as witnesses are required in cases of subpoena to testify. No public official shall be
22 compelled by such process to personally attend and produce such record but may, in lieu of
23 personal attendance, cause to be delivered to the authority issuing such process prior to or on
24 the date specified therein the original or a certified copy of the paper, papers or record required,
25 or if no such paper or record is lodged in his office, an affidavit to that effect. Any original or
26 certified copy or affidavit delivered under the provisions of this Section unless otherwise
27 objectionable shall be admissible in any action or proceeding without further certification or
28 authentication."

29 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

30 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

31 In the General Assembly read three times and ratified, this the 6th day of July, 1967.