

§163. Subpoena, summons, warrant or court order

1. Service. A financial institution authorized to do business in this State or credit union authorized to do business in this State shall disclose financial records under section 162 pursuant to a subpoena, summons, warrant or court order that on its face appears to have been issued upon lawful authority only if the subpoena, summons, warrant or court order is served upon the customer prior to disclosure by the financial institution or credit union. The agency or person requesting the disclosure of financial records shall certify in writing to the financial institution or credit union the fact that the subpoena, summons, warrant or court order has been served upon the customer. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order upon the customer. The court shall delay or dispense with service of the subpoena, summons, warrant or court order upon the customer upon notice by the Attorney General, the Attorney General's designee or the District Attorney that service upon the customer would not be in the public interest. A subpoena, summons or warrant issued in connection with a criminal proceeding or state or federal grand jury proceeding, a request for information by the Department of Health and Human Services for purposes related to establishing, modifying or enforcing a child support order, a request for information by the Department of Administrative and Financial Services, Bureau of Revenue Services for purposes related to establishing, modifying or enforcing tax liabilities or a trustee process lawfully issued need not be served upon the customer.

[PL 2009, c. 213, Pt. AAAA, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 416 (NEW). PL 1985, c. 647, §2 (AMD). PL 1997, c. 16, §1 (AMD). PL 1997, c. 537, §2 (AMD). PL 1997, c. 537, §62 (AFF). PL 1999, c. 197, §1 (AMD). PL 2001, c. 262, §B5 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 213, Pt. AAAA, §5 (AMD).

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