



Proposed law provides that a civil investigative demand issued pursuant to proposed law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. Further provides that a civil investigative demand issued to a nonresident or a foreign business entity shall be served as provided for in present law Code of Civil Procedure (C.C.P.).

Proposed law provides that upon failure of the person or business entity to comply with the civil investigative demand, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the civil investigative demand. Further provides that failure to comply with a court order shall be punishable by contempt.

Proposed law provides that except as otherwise provided in proposed law, no documentary material, answers to interrogatories, or copies thereof, produced pursuant to proposed law or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to proposed law shall be subject to disclosure, discovery, subpoena or other means of legal compulsion for release by any person or entity except as determined by the attorney general and subject to the imposition of any conditions for effective enforcement of the laws of this state.

Proposed law provides that nothing in proposed law shall be construed to prohibit or limit the attorney general from sharing any documentary material, answers to interrogatories, or copies thereof, or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to proposed law with any other state government, the U.S. government, or any state or federal agency, or any person or entity that assists in the investigation or prosecution of the subject matter of the civil investigative demand.

Proposed law provides that the attorney general may use documentary material derived from information obtained pursuant to proposed law, or copies of the material, in the manner the attorney general determines necessary for the enforcement of the laws of this state, including instituting a civil proceeding with the court.

Proposed law provides that the attorney general, upon the written request of the person or entity required to produce documentary material pursuant to proposed law, shall destroy or return to the person or entity any material which has not become a part of the record by introduction into evidence in any court, grand jury or agency proceeding if the case or proceeding has been completed, or proceedings have not been instituted within a reasonable time after analysis of all documentary material and other information produced in the course of the investigation.

Proposed law provides that documentary material, answers to written interrogatories, or oral testimony provided pursuant to a civil investigative demand or investigative deposition shall be exempt from disclosure under present law (R.S. 44:1 et seq.).

Proposed law defines "documentary material".

Proposed law provides that a person who has received a civil investigative demand pursuant to proposed law may seek to modify or set aside the demand by filing a petition through ordinary

proceedings with the court in the judicial district within which the person resides, is found, or transacts business. If no such jurisdiction exists, the person may file the petition in the 19th JDC.

Proposed law provides that a petition filed pursuant to proposed law shall be filed within 20 days after the date of service of the civil investigative demand authorized in proposed law, or at any time before the return date specified in the demand, whichever date is earlier.

Proposed law provides that the petition shall specify each ground upon which the petitioner is seeking relief in accordance with proposed law, and may be based upon any failure of the demand to comply with the provisions of proposed law or upon any constitutional or other legal right or privilege of the person.

Proposed law provides that during the pendency of the proceedings, the court in its discretion, may stay the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

Proposed law provides that when the attorney general has information, evidence or reason to believe that a person or entity has information related to an investigation of a violation of present law, he may issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, or for the purpose of revealing, identifying, or explaining documentary material or other physical evidence sought.

Proposed law provides that the investigative subpoena shall contain a general description of the matter under investigation, and a notice informing the deponent of his right to counsel at the deposition with opportunity for cross-examination. Further provides that the deposition shall be conducted at the deponent's principal place of business, place of residence, domicile, or, if agreeable to the deponent, some other place convenient to the attorney general or the deponent and the deponent's attorney or designated lawful representative.

Proposed law provides that the deposition shall be held on a date not earlier than seven days after the date on which demand was received, unless the attorney general determines that exceptional circumstances exist that warrant the commencement of the testimony within a shorter period of time.

Proposed law provides that an investigative subpoena issued pursuant to proposed law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. An investigative subpoena issued to a nonresident or a foreign business entity may be served pursuant to present law (C.C.P.).

Proposed law provides that when an investigative subpoena is issued to a business entity, the entity shall designate one or more officers, directors, or managing agents, and may set forth, for each person designated, the matters on which he will testify. Further requires the person designated to testify to the matters known or reasonably available to the organization.

Proposed law provides that upon failure of the person or business entity to comply with the

investigative subpoena, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the investigative subpoena. Further provides that failure to comply with a court order is punishable by contempt of court.

Effective August 1, 2026.

(Adds R.S. 46:438.9 and 438.10)