
DIGEST

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HB 744 Original

2016 Regular Session

Jackson

Abstract: Authorizes and provides procedures for the attorney general to institute a civil investigative demand and a investigative deposition.

Proposed law provides that when the attorney general has information, evidence, or reason to believe that any person or entity may be in possession, custody, or control of any documentary material, information, or physical evidence relevant to an investigation for a possible violation of any law of this state, he or any of his assistants may issue to the person or entity a civil investigative demand before the commencement of a civil proceeding to require the production of the information, documentary material, or physical evidence for inspection, copying, or reproduction, or the answering under oath and in writing of interrogatories.

Proposed law provides the procedures and requirements for a civil investigative demand.

Proposed law prohibits a civil investigative demand from containing a requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court in a grand jury investigation or require the production of written answers to interrogatories, or the production of documentary material that would be privileged from disclosure.

Proposed law provides that a civil investigative demand may be served by the sheriff or a post-certified investigator employed by the attorney general.

Proposed law provides that upon failure to comply with the civil investigative demand, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the civil investigative demand.

Proposed law prohibits the release of documentary material, answers to interrogatories, or copies thereof, produced pursuant to proposed law, but also 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 from the foregoing, or transcripts and information derived from investigative depositions with the U.S. government or with any other state government, or any federal or state agency, or any person or entity that may be assisting in the investigation or prosecution of the subject matter of the civil investigative demand.

Proposed law requires the attorney general, upon the written request of the person or entity who produced documentary material to destroy or return to such person or entity any such material which has not been submitted into the control of any court, grand jury, or agency through introduction into

the record of such case or proceeding with certain limiting factors.

Proposed law provides that any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand or investigative deposition shall be exempt from disclosure under the Louisiana Public Records Law (R.S. 44:1 et seq.).

Authorizes any person who has received a civil investigative demand issued pursuant to proposed law to petition for an order of the court to modify or set aside such demand.

Proposed law authorizes the attorney general to issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, and provides the procedures for conducting such depositions.

Proposed law provides that upon failure to comply with the investigative subpoena, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the investigative subpoena, and that failure to comply with a court order is punishable by contempt.

(Adds R.S. 49:260 and 261)