
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 192 Engrossed

2016 Regular Session

Johns

Present law permits the division of fraud ("the division") to make requests for materials and evidence from a person outside the state. The person so requested may make it available to the division or its representative, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

Present law protects the division's papers, documents, reports, or evidence relative to the subject of an investigation from public inspection for so long as the commissioner deems reasonably necessary to complete the investigation, to protect the person investigated from unwarranted injury, or to be in the public domain. Further provides that such papers, documents, reports, or evidence shall not be subject to subpoena until opened for public inspection by the commissioner, unless the commissioner consents, or until after notice to the commissioner and a hearing, a court of competent jurisdiction determines the division would not be necessarily hindered by the subpoena.

Proposed law requires the division's papers, documents, reports, or evidence relative to the subject of an investigation to be given confidential and privileged treatment and not to be subject to subpoena or discovery and may not be made public by the commissioner or any other person, except the commissioner may disclose the content of papers, documents, reports, or evidence to the insurance department of this or any other state or country, or to law enforcement officials of this or any other state or agency of the federal government provided such agency or office receiving the reports or matters relating thereto agrees, in writing, to hold it confidential and privileged.

Proposed law prohibits limiting the commissioner's authority to use papers, documents, reports, or evidence relative to the subject of an investigation, or any other information discovered or developed during the course of any investigation in furtherance of any legal or regulatory action. Provides that such information, papers, reports, evidence or documentation shall be subject to a protective order to prevent disclosure and shall not be admissible as evidence in a civil or administrative action.

Effective August 1, 2016.

(Amends R.S. 22:1927)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Requires all papers, documents, reports, or evidence relative to the subject of an investigation to be given confidential and privileged treatment.
2. Provides that the information, papers, reports, evidence or documentation shall be subject to a protective order to prevent disclosure and shall not be admissible as evidence in a civil or administrative action.
3. Makes technical changes.