

**SENATE BILL REPORT**

**SB 5597**

**AS PASSED SENATE, MARCH 15, 1993**

**Brief Description:** Limiting the use of documentary materials.

**SPONSORS:** Senators A. Smith, Spanel and Rinehart; by request of Attorney General

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

**Staff:** Alan Caplan (786-7465)

**Hearing Dates:** February 17, 1993; February 19, 1993

**BACKGROUND:**

Washington's Attorney General is authorized to investigate possible violations of the Consumer Protection Act, 19.86 RCW. During such investigations, the Attorney General may issue civil investigative demands (CIDs) requiring the recipients to produce documents, answer written questions or give oral testimony. This type of pre-suit discovery allows the Attorney General to determine whether legal action is warranted.

In most cases, information produced in response to a CID may be disclosed only to authorized employees of the Attorney General, unless the person who provided the information consents to the disclosure. This restriction prevents the Attorney General from sharing CID material with other law enforcement organizations who may participate in joint or related investigations.

The Attorney General believes that CID information sharing, subject to appropriate confidentiality conditions, would allow her office to more effectively investigate violations of the Consumer Protection Act.

**SUMMARY:**

The Attorney General may provide copies of materials obtained pursuant to a civil investigative demand to any law enforcement official of this state, another state or the federal government who is responsible for enforcing antitrust or consumer protection laws.

An official receiving such information must agree not to disclose the information to parties other than the official's employees.

Such information may not be introduced as evidence in a criminal prosecution.

The Attorney General may keep confidential materials received from other law enforcement agencies.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

CIDs play an important role in pre-suit investigations. This bill will result in more effective and efficient investigations of possible violations of antitrust and consumer protection laws.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Christine Gregoire, Attorney General; Carol Smith, Attorney General's Office; Robert Mead, WA Dept. of Agriculture; Mike Stevenson, WA Dept. of Licensing