

D R A F T

SUMMARY

Changes circumstances under which prosecuting attorney may execute and serve investigative demand related to alleged unlawful act or practice.

A BILL FOR AN ACT

Relating to investigative demands by prosecuting attorneys; creating new provisions; and amending ORS 646.618.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 646.618 is amended to read:

646.618. (1) Except as provided in ORS 646.633, [*when it appears to the*]
if a prosecuting attorney **believes** that a person has engaged in[,*is engaging*
in, or is about to engage in any act or practice declared to be unlawful by]
or is engaging in an act or practice that is unlawful under ORS 646.607
or 646.608, the prosecuting attorney may execute in writing and cause to be
served an investigative demand upon any person who is believed to have in-
formation, documentary material or physical evidence relevant to the alleged
or suspected violation. The investigative demand [*shall require such*] **must**
require the person, under oath or otherwise, to appear and testify, to answer
written interrogatories, or to produce relevant documentary material or
physical evidence for examination, at such reasonable time and place as may
be stated in the investigative demand, [*or to do any of the foregoing,*] con-
cerning conduct of any trade or commerce [*which*] **that** is the subject matter
of the investigation.

(2) At any time before the return date specified in an investigative de-
mand, or within 20 days after the demand has been served, whichever period

1 is shorter, a petition to extend the return date, or to modify or set aside the
2 demand, stating good cause including privileged material, may be filed in the
3 appropriate court.

4 **SECTION 2. The amendments to ORS 646.618 by section 1 of this**
5 **2013 Act apply to investigative demands that a prosecuting attorney**
6 **executes and serves on or after the effective date of this 2013 Act.**

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