

# House Bill 2776

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

## A BILL FOR AN ACT

1  
2 Relating to investigative demands by prosecuting attorneys; creating new provisions; and amending  
3 ORS 646.618.

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

5 **SECTION 1.** ORS 646.618 is amended to read:

6 646.618. (1) Except as provided in ORS 646.633, [*when it appears to the*] **if a** prosecuting attorney  
7 **believes** that a person has engaged in [*is engaging in, or is about to engage in any act or practice*  
8 *declared to be unlawful by*] **or is engaging in an act or practice that is unlawful under** ORS  
9 646.607 or 646.608, the prosecuting attorney may execute in writing and cause to be served an in-  
10 vestigative demand upon any person who is believed to have information, documentary material or  
11 physical evidence relevant to the alleged or suspected violation. The investigative demand [*shall*  
12 *require such*] **must require the** person, under oath or otherwise, to appear and testify, to answer  
13 written interrogatories, or to produce relevant documentary material or physical evidence for ex-  
14 amination, at such reasonable time and place as may be stated in the investigative demand, [*or to*  
15 *do any of the foregoing,*] concerning conduct of any trade or commerce [*which*] **that** is the subject  
16 matter of the investigation.

17 (2) At any time before the return date specified in an investigative demand, or within 20 days  
18 after the demand has been served, whichever period is shorter, a petition to extend the return date,  
19 or to modify or set aside the demand, stating good cause including privileged material, may be filed  
20 in the appropriate court.

21 **SECTION 2.** The amendments to ORS 646.618 by section 1 of this 2013 Act apply to in-  
22 vestigative demands that a prosecuting attorney executes and serves on or after the effective  
23 date of this 2013 Act.  
24

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.