

**PROPOSED AMENDMENTS TO
HOUSE BILL 3323**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 15 and insert:

3 **“SECTION 1.** ORS 124.125 is amended to read:

4 “124.125. (1) The Attorney General, the Department of Human Services,
5 **a type B area agency** or any district attorney may bring an action against
6 any person who engages in conduct described in ORS 124.105 and 124.110. In
7 addition to remedies otherwise provided in ORS 124.100 to 124.140, upon
8 prevailing in the action, the court shall award to the Attorney General, De-
9 partment of Human Services, **type B area agency** or district attorney costs
10 of investigation and penalties. Penalties awarded under this section may not
11 exceed \$25,000 per occurrence.

12 “(2) The Attorney General may intervene in any civil action brought un-
13 der ORS 124.100 if the Attorney General certifies that, in the opinion of the
14 Attorney General, the action is of general public importance. In the action,
15 the state shall be entitled to the same relief as if the Attorney General in-
16 stituted the action under the provisions of this section.

17 “(3) When it appears that a person is engaging in conduct described in
18 ORS 124.105 or 124.110, the Attorney General, [*or*] any district attorney **or**
19 **an attorney representing a type B area agency** may execute in writing
20 and cause to be served an investigative demand upon any person who is be-
21 lieved to have information, documentary material or physical evidence rele-
22 vant to the alleged or suspected violation. The investigative demand shall

1 require the person, under oath or otherwise, to appear and testify, to answer
2 written interrogatories or to produce relevant documentary material or
3 physical evidence for examination, at a reasonable time and place as stated
4 in the investigative demand.

5 “(4) At any time before the return date specified in an investigative de-
6 mand, or within 20 days after the demand has been served, whichever period
7 is shorter, a petition to extend the return date, or to modify or set aside the
8 demand, stating good cause, including a request for privileged material, may
9 be filed in the appropriate court.

10 “(5) Service of an investigative demand under subsection (3) of this sec-
11 tion shall be made personally within this state. If personal service within
12 this state cannot be made, substituted service may be made by any of the
13 following methods:

14 “(a) Personal service outside of this state;

15 “(b) Mailing the investigative demand by registered or certified mail to
16 the last-known place of business, residence or abode within or outside of this
17 state of the person for whom service is intended;

18 “(c) As to any person other than a natural person, in the manner provided
19 for service of summons in an action or suit; or

20 “(d) Such service as the court may direct.

21 “(6) If any person after being served with an investigative demand under
22 subsection (3) of this section fails or refuses to obey an investigative demand
23 issued by the Attorney General, [*or*] a district attorney **or an attorney re-**
24 **presenting a type B area agency**, the Attorney General, [*or*] district at-
25 **torney or attorney representing a type B area agency** may, after notice
26 to an appropriate court and after a hearing, request an order:

27 “(a) Granting injunctive relief to restrain the person from engaging in
28 conduct that is involved in the alleged or suspected violation; or

29 “(b) Granting other relief as may be required, until the person obeys the
30 investigative demand.

1 “(7) Any disobedience of any final order of a court under subsection (6)
2 of this section shall be punished as a contempt of court.

3 “(8) ORS 192.583 to 192.607 apply to the disclosure of financial records
4 by a financial institution pursuant to the service of an investigative demand
5 under subsection (3) of this section.”.

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