

ESSB 5925 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED AS AMENDED 03/04/2026

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10  
4 RCW to read as follows:

5 (1) The attorney general may issue written civil investigative  
6 demands for documents, oral testimony, and answers to written  
7 interrogatories when facts and circumstances would reasonably lead to  
8 possible violations of the United States Constitution, Washington  
9 state Constitution, RCW 10.93.160 and 43.10.315, and chapters 39.12,  
10 49.46, 49.48, 49.52, 49.60, and 70.48 RCW, as reviewed and approved  
11 by an assistant attorney general in the division conducting the  
12 investigation.

13 (2)(a) Whenever the attorney general believes that any person or  
14 entity:

15 (i) May be in possession, custody, or control of any original or  
16 copy of any book, record, report, memorandum, paper, communication,  
17 tabulation, map, chart, photograph, mechanical transcription, or  
18 other tangible document or recording, wherever situate, which he or  
19 she believes to be relevant to the subject matter of an investigation  
20 of a possible violation of state or federal law under subsection (1)  
21 of this section; or

22 (ii) May have knowledge of any information which the attorney  
23 general believes relevant to the subject matter of such an  
24 investigation,

25 he or she may, prior to the institution of a civil proceeding  
26 thereon, execute in writing and cause to be served upon such a  
27 person, a civil investigative demand requiring such person or entity  
28 to produce such documentary material and permit inspection and  
29 copying, to answer in writing written interrogatories, to give oral  
30 testimony, or any combination of such demands pertaining to such  
31 documentary material or information.

1 (b) This section is not applicable to criminal investigations or  
2 prosecutions. The criminal justice division of the office of the  
3 attorney general is prohibited from issuing civil investigative  
4 demands under this section.

5 (3) Each such demand shall:

6 (a) State the statute and section or sections thereof, the  
7 alleged violation of which is under investigation, and the general  
8 subject matter of the investigation;

9 (b) If the demand is for the production of documentary material,  
10 describe the class or classes of documentary material to be produced  
11 thereunder with reasonable specificity so as fairly to indicate the  
12 material demanded;

13 (c) Prescribe a return date within which the documentary material  
14 is to be produced, the answers to written interrogatories are to be  
15 made, or a date, time, and place at which oral testimony is to be  
16 taken; and

17 (d) Identify the members of the attorney general's staff to whom  
18 such documentary material is to be made available for inspection and  
19 copying, to whom answers to written interrogatories are to be made,  
20 or who are to conduct the examination for oral testimony.

21 (4) No such demand shall:

22 (a) Contain any requirement which would be unreasonable or  
23 improper if contained in a subpoena duces tecum, a request for  
24 answers to written interrogatories, or a request for deposition upon  
25 oral examination issued by a court of this state; or

26 (b) Require the disclosure of any documentary material which  
27 would be privileged, or which for any other reason would not be  
28 required by a subpoena duces tecum issued by a court of this state.

29 (5) Service of any such demand may be made by:

30 (a) Delivering a duly executed copy thereof to the person to be  
31 served, or, if such person is not a natural person, to any officer or  
32 managing agent of the entity to be served; or

33 (b) Delivering a duly executed copy thereof to the principal  
34 place of business in this state of the person or entity to be served;  
35 or

36 (c) Mailing by registered or certified mail a duly executed copy  
37 thereof addressed to the person or entity to be served at the  
38 principal place of business in this state, or, if said person or  
39 entity has no place of business in this state, to his, her, or its  
40 principal office or place of business.

1 (6) (a) Documentary material demanded pursuant to the provisions  
2 of this section shall be produced for inspection and copying during  
3 normal business hours at the principal office or place of business of  
4 the person or entity served, or at such other times and places as may  
5 be agreed upon by the person or entity served and the attorney  
6 general.

7 (b) Written interrogatories in a demand served under this section  
8 shall be answered in the same manner as provided in the civil rules  
9 for superior court.

10 (c) The oral testimony of any person or entity obtained pursuant  
11 to a demand served under this section shall be taken in the same  
12 manner as provided in the civil rules for superior court for the  
13 taking of depositions. In the course of the deposition, the assistant  
14 attorney general conducting the examination may exclude from the  
15 place where the examination is held all persons other than the person  
16 being examined, the person's counsel, and the officer before whom the  
17 testimony is to be taken.

18 (d) Any person or entity compelled to appear pursuant to a demand  
19 for oral testimony under this section may be accompanied by counsel.

20 (e) The oral testimony of any person or entity obtained pursuant  
21 to a demand served under this section shall be taken in the county  
22 within which the person or entity resides, is found, or transacts  
23 business, or in such other place as may be agreed upon between the  
24 person or entity served and the attorney general.

25 (7) If, after prior court approval, a civil investigative demand  
26 specifically prohibits disclosure of the existence or content of the  
27 demand, unless otherwise ordered by a superior court for good cause  
28 shown, it shall be a misdemeanor for any person or entity if not a  
29 bank, trust company, mutual savings bank, credit union, or savings  
30 and loan association organized under the laws of the United States or  
31 of any one of the United States to disclose to any other person or  
32 entity the existence or content of the demand, except for disclosure  
33 to counsel for the recipient of the demand or unless otherwise  
34 required by law.

35 (8) (a) No documentary material, answers to written  
36 interrogatories, or transcripts of oral testimony produced pursuant  
37 to a demand, or copies thereof, shall, unless otherwise ordered by a  
38 superior court for good cause shown, be produced for inspection or  
39 copying by, nor shall the contents thereof be disclosed to other than  
40 an authorized employee of the attorney general, without the consent

1 of the person or entity who produced such material, answered written  
2 interrogatories, or gave oral testimony, except as otherwise provided  
3 in this section.

4 (b) (i) Under such reasonable terms and conditions as the attorney  
5 general shall prescribe, the copies of such documentary material,  
6 answers to written interrogatories, or transcripts of oral testimony  
7 shall be available for inspection and copying by the person or entity  
8 who produced such material, answered written interrogatories, or gave  
9 oral testimony, or any duly authorized representative of such person  
10 or entity.

11 (ii) Consistent with RCW 43.17.425, the attorney general may  
12 provide copies of such documentary material, answers to written  
13 interrogatories, or transcripts of oral testimony to an official of  
14 this state, the federal government, or other state, who is charged  
15 with the enforcement of federal or state laws, if before the  
16 disclosure the receiving official agrees in writing that the  
17 information may not be disclosed to anyone other than that official  
18 or the official's authorized employees. The material provided under  
19 this subsection (8) (b) (ii) is subject to the confidentiality  
20 restrictions set forth in this section and may not be introduced as  
21 evidence in a criminal investigation or prosecution.

22 (c) Consistent with RCW 43.17.425, the attorney general or any  
23 assistant attorney general may use such copies of documentary  
24 material, answers to written interrogatories, or transcripts of oral  
25 testimony as he or she determines necessary in the enforcement of  
26 federal or state law, including presentation before any court.  
27 However, any such material, answers to written interrogatories, or  
28 transcripts of oral testimony which contain trade secrets shall not  
29 be presented except with the approval of the court in which action is  
30 pending after adequate notice to the person or entity furnishing such  
31 material, answers to written interrogatories, or oral testimony.

32 (9) At any time before the return date specified in the demand,  
33 or within 30 days after the demand has been served, whichever period  
34 is shorter, a petition to extend the return date for, or to modify or  
35 set aside a demand issued pursuant to subsection (1) of this section,  
36 stating good cause, may be filed in the superior court for Thurston  
37 county, or in such other county where the parties reside. A petition,  
38 by the person or entity on whom the demand is served, stating good  
39 cause, to require the attorney general or any person to perform any  
40 duty imposed by the provisions of this section, and all other

1 petitions in connection with a demand, may be filed in the superior  
2 court for Thurston county, or in the county where the parties reside.  
3 The court shall have jurisdiction to impose such sanctions as are  
4 provided for in the civil rules for superior court with respect to  
5 discovery motions.

6 (10) Whenever any person or entity fails to comply with any civil  
7 investigative demand for documentary material, answers to written  
8 interrogatories, or oral testimony duly served upon him, her, or it  
9 under this section, or whenever satisfactory copying or reproduction  
10 of any such material cannot be done and such person or entity refuses  
11 to surrender such material, the attorney general may file, in the  
12 trial court of general jurisdiction of the county in which such  
13 person or entity resides, is found, or transacts business, and serve  
14 upon such person or entity a petition for an order of such court for  
15 the enforcement of this section, except that if such person or entity  
16 transacts business in more than one county such petition shall be  
17 filed in the county in which such person or entity maintains his,  
18 her, or its principal place of business, or in such other county as  
19 may be agreed upon by the parties to such petition. Whenever any  
20 petition is filed in the trial court of general jurisdiction of any  
21 county under this section, such court shall have jurisdiction to hear  
22 and determine the matter so presented and to enter such order or  
23 orders as may be required to carry into effect the provisions of this  
24 section, and may impose such sanctions as are provided for in the  
25 civil rules for superior court with respect to discovery motions.

26 (11) This section does not supersede or displace the authority of  
27 the attorney general related to civil investigative demands under  
28 other statutes."

29 Correct the title.

EFFECT: Prohibits the Criminal Justice Division of the Attorney  
General's Office from issuing civil investigative demands under the  
act.

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