
SUBSTITUTE HOUSE BILL 2161

State of Washington

69th Legislature

2026 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Farivar, Berry, Ryu, Leavitt, Reed, Mena, Zahn, Street, Scott, Gregerson, Ormsby, Reeves, Thai, Macri, Fosse, Salahuddin, Pollet, and Timmons; by request of Attorney General)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to the general powers and duties of the attorney
2 general's office; adding a new section to chapter 43.10 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10
6 RCW to read as follows:

7 (1) The attorney general may issue written civil investigative
8 demands for documents, oral testimony, and answers to written
9 interrogatories when investigating possible violations of the United
10 States Constitution, Washington state Constitution, RCW 10.93.160,
11 10.118.030, 10.120.020, and 43.10.315, and chapters 10.116, 39.12,
12 49.46, 49.48, 49.52, 49.60, and 70.48 RCW.

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

1 (ii) May have knowledge of any information which the attorney
2 general believes relevant to the subject matter of such an
3 investigation,
4 he or she may, prior to the institution of a civil proceeding
5 thereon, execute in writing and cause to be served upon such a
6 person, a civil investigative demand requiring such person or entity
7 to produce such documentary material and permit inspection and
8 copying, to answer in writing written interrogatories, to give oral
9 testimony, or any combination of such demands pertaining to such
10 documentary material or information.

11 (b) This section is not applicable to criminal investigations or
12 prosecutions.

13 (3) A demand must:

14 (a) State the statute and section or sections thereof, the
15 alleged violation of which is under investigation, and the general
16 subject matter of the investigation;

17 (b) If the demand is for the production of documentary material,
18 describe the class or classes of documentary material to be produced
19 thereunder with reasonable specificity so as fairly to indicate the
20 material demanded;

21 (c) Prescribe a return date within which the documentary material
22 is to be produced, the answers to written interrogatories are to be
23 made, or a date, time, and place at which oral testimony is to be
24 taken;

25 (d) Identify the members of the attorney general's staff to whom
26 such documentary material is to be made available for inspection and
27 copying, to whom answers to written interrogatories are to be made,
28 or who are to conduct the examination for oral testimony; and

29 (e) Not be issued for improper purposes that are inconsistent
30 with the rules of professional conduct.

31 (4) A demand must not:

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

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

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

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

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

7 (c) Mailing by registered or certified mail a duly executed copy
8 thereof addressed to the person or entity to be served at the
9 principal place of business in this state, or, if said person or
10 entity has no place of business in this state, to his, her, or its
11 principal office or place of business.

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

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

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

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

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

36 (7) If, after prior court approval, a civil investigative demand
37 specifically prohibits disclosure of the existence or content of the
38 demand, unless otherwise ordered by a superior court for good cause
39 shown, it shall be a misdemeanor for any person or entity if not a
40 bank, trust company, mutual savings bank, credit union, or savings

1 and loan association organized under the laws of the United States or
2 of any one of the United States to disclose to any other person or
3 entity the existence or content of the demand, except for disclosure
4 to counsel for the recipient of the demand or unless otherwise
5 required by law.

6 (8) (a) No documentary material, answers to written
7 interrogatories, or transcripts of oral testimony produced pursuant
8 to a demand, or copies thereof, shall, unless otherwise ordered by a
9 superior court for good cause shown, be produced for inspection or
10 copying by, nor shall the contents thereof be disclosed to other than
11 an authorized employee of the attorney general, without the consent
12 of the person or entity who produced such material, answered written
13 interrogatories, or gave oral testimony, except as otherwise provided
14 in this section.

15 (b) (i) Under such reasonable terms and conditions as the attorney
16 general shall prescribe, the copies of such documentary material,
17 answers to written interrogatories, or transcripts of oral testimony
18 shall be available for inspection and copying by the person or entity
19 who produced such material, answered written interrogatories, or gave
20 oral testimony, or any duly authorized representative of such person
21 or entity.

22 (ii) The attorney general may provide copies of such documentary
23 material, answers to written interrogatories, or transcripts of oral
24 testimony to an official of this state, the federal government, or
25 other state, who is charged with the enforcement of federal or state
26 laws, if before the disclosure the receiving official agrees in
27 writing that the information may not be disclosed to anyone other
28 than that official or the official's authorized employees. The
29 material provided under this subsection (8) (b) (ii) is subject to the
30 confidentiality restrictions set forth in this section and may not be
31 introduced as evidence in a criminal prosecution.

32 (c) The attorney general or any assistant attorney general may
33 use such copies of documentary material, answers to written
34 interrogatories, or transcripts of oral testimony as he or she
35 determines necessary in the enforcement of federal or state law,
36 including presentation before any court. However, any such material,
37 answers to written interrogatories, or transcripts of oral testimony
38 which contain trade secrets shall not be presented except with the
39 approval of the court in which action is pending after adequate

1 notice to the person or entity furnishing such material, answers to
2 written interrogatories, or oral testimony.

3 (9) At any time before the return date specified in the demand,
4 or within 30 days after the demand has been served, whichever period
5 is shorter, a petition to extend the return date for, or to modify or
6 set aside a demand issued pursuant to subsection (1) of this section,
7 stating good cause, may be filed in the superior court for Thurston
8 county, or in such other county where the parties reside. A petition,
9 by the person or entity on whom the demand is served, stating good
10 cause, to require the attorney general or any person to perform any
11 duty imposed by the provisions of this section, and all other
12 petitions in connection with a demand, may be filed in the superior
13 court for Thurston county, or in the county where the parties reside.
14 The court shall have jurisdiction to impose such sanctions as are
15 provided for in the civil rules for superior court with respect to
16 discovery motions.

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

1 (11) This section does not supersede or displace the authority of
2 the attorney general related to civil investigative demands under
3 other statutes.

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