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**ENGROSSED SUBSTITUTE SENATE BILL 5925**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Hansen, Lovick, Dhingra, Hasegawa, Nobles, Pedersen, and Stanford; by request of Attorney General)

READ FIRST TIME 02/04/26.

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 facts and circumstances would reasonably lead to  
10 possible violations of the United States Constitution, Washington  
11 state Constitution, RCW 10.93.160 and 43.10.315, and chapters 39.12,  
12 49.46, 49.48, 49.52, 49.60, and 70.48 RCW, as reviewed and approved  
13 by an assistant attorney general in the division conducting the  
14 investigation.

15           (2)(a) Whenever the attorney general believes that any person or  
16 entity:

17           (i) May be in possession, custody, or control of any original or  
18 copy of any book, record, report, memorandum, paper, communication,  
19 tabulation, map, chart, photograph, mechanical transcription, or  
20 other tangible document or recording, wherever situate, which he or  
21 she believes to be relevant to the subject matter of an investigation

1 of a possible violation of state or federal law under subsection (1)  
2 of this section; or

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

13 (b) This section is not applicable to criminal investigations or  
14 prosecutions.

15 (3) Each such demand shall:

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

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

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

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

31 (4) No such demand shall:

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) Consistent with RCW 43.17.425, the attorney general may  
23 provide copies of such documentary material, answers to written  
24 interrogatories, or transcripts of oral testimony to an official of  
25 this state, the federal government, or other state, who is charged  
26 with the enforcement of federal or state laws, if before the  
27 disclosure the receiving official agrees in writing that the  
28 information may not be disclosed to anyone other than that official  
29 or the official's authorized employees. The material provided under  
30 this subsection (8) (b) (ii) is subject to the confidentiality  
31 restrictions set forth in this section and may not be introduced as  
32 evidence in a criminal investigation or prosecution.

33 (c) Consistent with RCW 43.17.425, the attorney general or any  
34 assistant attorney general may use such copies of documentary  
35 material, answers to written interrogatories, or transcripts of oral  
36 testimony as he or she determines necessary in the enforcement of  
37 federal or state law, including presentation before any court.  
38 However, any such material, answers to written interrogatories, or  
39 transcripts of oral testimony which contain trade secrets shall not  
40 be presented except with the approval of the court in which action is

1 pending after adequate notice to the person or entity furnishing such  
2 material, answers to 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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