

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5925

Chapter 243, Laws of 2026

69th Legislature
2026 Regular Session

ATTORNEY GENERAL—CIVIL INVESTIGATIVE DEMANDS

EFFECTIVE DATE: June 11, 2026

Passed by the Senate March 9, 2026
Yeas 30 Nays 19

DENNY HECK

President of the Senate

Passed by the House March 4, 2026
Yeas 56 Nays 41

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 30, 2026 2:39 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5925** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 31, 2026

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5925

AS AMENDED BY THE HOUSE

Passed Legislature - 2026 Regular Session

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, he or she may, prior to the institution of a civil
6 proceeding thereon, execute in writing and cause to be served upon
7 such a person, a civil investigative demand requiring such person or
8 entity to produce such documentary material and permit inspection and
9 copying, to answer in writing written interrogatories, to give oral
10 testimony, or any combination of such demands pertaining to such
11 documentary material or information.

12 (b) A civil investigative demand must comply with the following
13 criteria: (i) The investigation must be within the authority of the
14 office of the attorney general; (ii) the demand must not be too
15 indefinite; and (iii) any information sought must be reasonably
16 relevant to the investigation.

17 (c) A civil investigative demand may not be issued under this
18 section in an investigation of any federal government agency or its
19 officers or employees for conduct undertaken in the course of their
20 official duties.

21 (d) This section is not applicable to criminal investigations or
22 prosecutions. The criminal justice division of the office of the
23 attorney general is prohibited from issuing civil investigative
24 demands under this section.

25 (3) Each such demand shall:

26 (a) State the statute and section or sections thereof, the
27 alleged violation of which is under investigation, and the general
28 subject matter of the investigation;

29 (b) If the demand is for the production of documentary material,
30 describe the class or classes of documentary material to be produced
31 thereunder with reasonable specificity so as fairly to indicate the
32 material demanded;

33 (c) Prescribe a return date within which the documentary material
34 is to be produced, the answers to written interrogatories are to be
35 made, or a date, time, and place at which oral testimony is to be
36 taken; and

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

1 (4) No such demand shall:

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

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

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

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

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

16 (c) Mailing by registered or certified mail a duly executed copy
17 thereof addressed to the person or entity to be served at the
18 principal place of business in this state, or, if said person or
19 entity has no place of business in this state, to his, her, or its
20 principal office or place of business.

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

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

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

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

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

6 (7) If, after prior court approval, a civil investigative demand
7 specifically prohibits disclosure of the existence or content of the
8 demand, unless otherwise ordered by a superior court for good cause
9 shown, it shall be a misdemeanor for any person or entity if not a
10 bank, trust company, mutual savings bank, credit union, or savings
11 and loan association organized under the laws of the United States or
12 of any one of the United States to disclose to any other person or
13 entity the existence or content of the demand, except for disclosure
14 to counsel for the recipient of the demand or unless otherwise
15 required by law.

16 (8) (a) No documentary material, answers to written
17 interrogatories, or transcripts of oral testimony produced pursuant
18 to a demand, or copies thereof, shall, unless otherwise ordered by a
19 superior court for good cause shown, be produced for inspection or
20 copying by, nor shall the contents thereof be disclosed to other than
21 an authorized employee of the attorney general, without the consent
22 of the person or entity who produced such material, answered written
23 interrogatories, or gave oral testimony, except as otherwise provided
24 in this section.

25 (b) (i) Under such reasonable terms and conditions as the attorney
26 general shall prescribe, the copies of such documentary material,
27 answers to written interrogatories, or transcripts of oral testimony
28 shall be available for inspection and copying by the person or entity
29 who produced such material, answered written interrogatories, or gave
30 oral testimony, or any duly authorized representative of such person
31 or entity.

32 (ii) (A) Except as provided in (b) (ii) (B) of this subsection, and
33 consistent with RCW 43.17.425, the attorney general may provide
34 copies of such documentary material, answers to written
35 interrogatories, or transcripts of oral testimony to an official of
36 this state, the federal government, or other state, who is charged
37 with the enforcement of federal or state laws, if before the
38 disclosure the receiving official agrees in writing that the
39 information may not be disclosed to anyone other than that official
40 or the official's authorized employees. The material provided under

1 this subsection (8)(b)(ii) is subject to the confidentiality
2 restrictions set forth in this section and may not be introduced as
3 evidence in a criminal investigation or prosecution.

4 (B) The attorney general may not provide copies of documentary
5 material, answers to written interrogatories, or transcripts of oral
6 testimony to any state, local, or federal law enforcement agency, or
7 to any person or entity for purposes of any criminal law enforcement
8 investigation.

9 (c) Consistent with RCW 43.17.425, the attorney general or any
10 assistant attorney general may use such copies of documentary
11 material, answers to written interrogatories, or transcripts of oral
12 testimony as he or she determines necessary in the enforcement of
13 federal or state law, including presentation before any court.
14 However, any such material, answers to written interrogatories, or
15 transcripts of oral testimony which contain trade secrets shall not
16 be presented except with the approval of the court in which action is
17 pending after adequate notice to the person or entity furnishing such
18 material, answers to written interrogatories, or oral testimony.

19 (9) At any time before the return date specified in the demand,
20 or within 30 days after the demand has been served, whichever period
21 is shorter, a petition to extend the return date for, or to modify or
22 set aside a demand issued pursuant to subsection (1) of this section,
23 stating good cause, may be filed in the superior court for Thurston
24 county, or in such other county where the parties reside. A petition,
25 by the person or entity on whom the demand is served, stating good
26 cause, to require the attorney general or any person to perform any
27 duty imposed by the provisions of this section, and all other
28 petitions in connection with a demand, may be filed in the superior
29 court for Thurston county, or in the county where the parties reside.
30 The court shall have jurisdiction to impose such sanctions as are
31 provided for in the civil rules for superior court with respect to
32 discovery motions.

33 (10) Whenever any person or entity fails to comply with any civil
34 investigative demand for documentary material, answers to written
35 interrogatories, or oral testimony duly served upon him, her, or it
36 under this section, or whenever satisfactory copying or reproduction
37 of any such material cannot be done and such person or entity refuses
38 to surrender such material, the attorney general may file, in the
39 trial court of general jurisdiction of the county in which such
40 person or entity resides, is found, or transacts business, and serve

1 upon such person or entity a petition for an order of such court for
2 the enforcement of this section, except that if such person or entity
3 transacts business in more than one county such petition shall be
4 filed in the county in which such person or entity maintains his,
5 her, or its principal place of business, or in such other county as
6 may be agreed upon by the parties to such petition. Whenever any
7 petition is filed in the trial court of general jurisdiction of any
8 county under this section, such court shall have jurisdiction to hear
9 and determine the matter so presented and to enter such order or
10 orders as may be required to carry into effect the provisions of this
11 section, and may impose such sanctions as are provided for in the
12 civil rules for superior court with respect to discovery motions.

13 (11) Within four years of the effective date of this section, the
14 attorney general shall provide a report to the appropriate committees
15 of the legislature detailing any use of civil investigative demand
16 authority granted under this section. The report must include, but is
17 not limited to:

18 (a) The number of civil investigative demands issued by year;

19 (b) The number of civil investigative demands set aside by the
20 court by year;

21 (c) The number of civil investigative demands by year that
22 resulted in an informal, presuit resolution of alleged violations of
23 law; and

24 (d) The number of civil investigative demands by year that
25 resulted in the attorney general filing an action in superior court
26 to enforce alleged violations of law.

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

Passed by the Senate March 9, 2026.

Passed by the House March 4, 2026.

Approved by the Governor March 30, 2026.

Filed in Office of Secretary of State March 31, 2026.

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