

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after all  
2 of said section and line the following:

3  
4 "610.031. 1. If the attorney general concludes that any person may have engaged in any act,  
5 conduct, or practice that violates any provision of chapter 109 or this chapter, the attorney general  
6 may apply for an order issued by a judge of the circuit court of Cole County to serve a civil  
7 investigative demand on any person who the attorney general believes may have information or  
8 evidence relevant to the suspected violation. A judge shall issue the order to serve the civil  
9 investigative demand if the judge finds that probable cause exists that a violation of chapter 109 or  
10 this chapter has occurred. Once a judge has issued an order to serve a civil investigative demand,  
11 the demand issued under this section may seek any information and documents that could be  
12 obtained by means of a subpoena duces tecum issued by a court of this state. A civil investigative  
13 demand issued under this section may also require answers to written interrogatories that would be  
14 permitted by the Missouri supreme court rules.

15 2. A civil investigative demand issued under this section shall:

16 (1) State the statute or statutes that the attorney general believes may have been violated;

17 (2) Describe the class or classes of information and evidence to be produced with sufficient  
18 specificity so as to fairly indicate the material demanded;

19 (3) Prescribe a return date, which shall be at least thirty days, by which the information and  
20 evidence is to be produced;

21 (4) Identify the members of the attorney general's staff to whom the information and  
22 evidence requested is to be produced; and

23 (5) Provide notice to the recipient of the demand of the recipient's ability to file a petition in  
24 the circuit court of Cole County to extend the return date for good cause or to quash or modify any  
25 portion of the demand.

26 3. Service of a civil investigative demand issued under this section may be made by:

27 (1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any  
28 officer or agent authorized by appointment or by law to receive service of process on behalf of such  
29 person;

30 (2) Delivering a duly executed copy thereof to the principal place of business or the  
31 residence in this state of the person to be served;

32 (3) Mailing by registered or certified mail a duly executed copy thereof addressed to the  
33 person to be served, at the person's principal place of business or residence in this state, or if such  
34 person has no place of business or residence in this state, to his or her principal office, place of  
35 business, or his or her residence; or

36 (4) Mailing by registered or certified mail a duly executed copy thereof, requesting a return

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 receipt signed by the addressee only, to the last known place of business, residence, or abode within  
2 or without this state of such person.

3 4. At any time prior to the return date specified in a civil investigative demand issued under  
4 this section or within twenty days after the civil investigative demand is served, whichever is earlier,  
5 the recipient of the civil investigative demand may file a petition in the circuit court of Cole County  
6 seeking to extend the return date for good cause or to quash or modify any portion of the civil  
7 investigative demand. A civil investigative demand issued under this section shall only be quashed  
8 or modified on the same basis as a subpoena duces tecum issued by a court of this state.

9 5. If any person fails to comply with any portion of a civil investigative demand served  
10 under this section, the attorney general may file a petition for an order to enforce the civil  
11 investigative demand. The attorney general may file such petition in the circuit court of Cole  
12 County or in any circuit court where such person has his or her principal place of business or  
13 residence. Any person who refuses to comply with an order enforcing a civil investigative demand  
14 shall be found in contempt.

15 6. Any person who, with the intent to avoid, evade, or prevent compliance with a civil  
16 investigative demand issued under this section, removes, conceals, withholds, destroys, alters, or  
17 falsifies any information or evidence responsive to a civil investigative demand served under this  
18 section shall be guilty of a class A misdemeanor. The attorney general shall have concurrent  
19 jurisdiction to enforce the provisions of this subsection.

20 7. No information, documentary material, or physical evidence requested pursuant to a civil  
21 investigative demand issued under this section shall, unless otherwise ordered by a court for good  
22 cause shown, be produced for or the contents thereof be disclosed to, any person other than the  
23 authorized employee of the attorney general without the consent of the person who produced such  
24 information, documentary material or physical evidence; provided, that under such reasonable terms  
25 and conditions as the attorney general shall prescribe, such information, documentary material or  
26 physical evidence shall be made available for inspection and copying by the person who produced  
27 such information, documentary material or physical evidence, or any duly authorized representative  
28 of such person. The attorney general, or any attorney designated by him or her, may use the  
29 information, documentary material, or physical evidence in the enforcement of chapter 109 or this  
30 chapter, by presentation before any court or by disclosure to law enforcement agencies of this state.

31 610.033. There is created within the office of the attorney general a transparency division.  
32 No assistant attorney general while assigned to the transparency division shall participate in the  
33 prosecution or defense of any civil claim on behalf of the state, any agency of the state, or any  
34 officer of the state, except the prosecution of an action alleging a violation of any provision of  
35 chapter 109 or this chapter."; and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.