

By: Seliger

S.B. No. 1047

A BILL TO BE ENTITLED

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AN ACT

relating to the use of information obtained by the attorney general through a civil investigative demand under the Deceptive Trade Practices-Consumer Protection Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (8), Section 17.45, Business & Commerce Code, is amended to read as follows:

(8) "Consumer protection division" means the ~~[antitrust and]~~ consumer protection division of the attorney general's office.

SECTION 2. Subsections (b) and (f), Section 17.61, Business & Commerce Code, are amended to read as follows:

(b) Each demand shall:

(1) state the statute and section under which the alleged violation is being investigated, and the general subject matter of the investigation;

(2) describe the class or classes of documentary material to be produced with reasonable specificity so as to fairly indicate the material demanded;

(3) prescribe a return date within which the documentary material is to be produced; and

(4) identify the persons authorized by ~~[members of]~~ the consumer protection division to whom the documentary material is to be made available for inspection and copying.

1           (f) No documentary material produced pursuant to a demand  
2 under this section, unless otherwise ordered by a court for good  
3 cause shown, shall be produced for inspection or copying by, nor  
4 shall its contents be disclosed to any person other than the  
5 authorized employee of the office of the attorney general [~~consumer  
6 protection division~~] without the consent of the person who produced  
7 the material. The office of the attorney general [~~consumer  
8 protection division~~] shall prescribe reasonable terms and  
9 conditions allowing the documentary material to be available for  
10 inspection and copying by the person who produced the material or  
11 any duly authorized representative of that person. The office of  
12 the attorney general [~~consumer protection division~~] may use the  
13 documentary material or copies of it as it determines necessary in  
14 the enforcement of this subchapter, including presentation before  
15 any court. Any material which contains trade secrets shall not be  
16 presented except with the approval of the court in which the action  
17 is pending after adequate notice to the person furnishing the  
18 material.

19           SECTION 3. This Act takes effect September 1, 2007.