

By: Seliger

S.B. No. 1047

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

13 (b) Each demand shall:

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

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

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

22 (4) identify the persons authorized by ~~[members of]~~  
23 the consumer protection division to whom the documentary material  
24 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.