

1-1 By: Seliger S.B. No. 1047
1-2 (In the Senate - Filed March 1, 2007; March 14, 2007, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 2, 2007, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of information obtained by the attorney general
1-9 through a civil investigative demand under the Deceptive Trade
1-10 Practices-Consumer Protection Act.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subdivision (8), Section 17.45, Business &
1-13 Commerce Code, is amended to read as follows:

1-14 (8) "Consumer protection division" means the
1-15 ~~[antitrust and]~~ consumer protection division of the attorney
1-16 general's office.

1-17 SECTION 2. Subsections (b) and (f), Section 17.61, Business
1-18 & Commerce Code, are amended to read as follows:

1-19 (b) Each demand shall:

1-20 (1) state the statute and section under which the
1-21 alleged violation is being investigated, and the general subject
1-22 matter of the investigation;

1-23 (2) describe the class or classes of documentary
1-24 material to be produced with reasonable specificity so as to fairly
1-25 indicate the material demanded;

1-26 (3) prescribe a return date within which the
1-27 documentary material is to be produced; and

1-28 (4) identify the persons authorized by ~~[members of]~~
1-29 the consumer protection division to whom the documentary material
1-30 is to be made available for inspection and copying.

1-31 (f) No documentary material produced pursuant to a demand
1-32 under this section, unless otherwise ordered by a court for good
1-33 cause shown, shall be produced for inspection or copying by, nor
1-34 shall its contents be disclosed to any person other than the
1-35 authorized employee of the office of the attorney general ~~[consumer~~
1-36 ~~protection division]~~ without the consent of the person who produced
1-37 the material. The office of the attorney general ~~[consumer~~
1-38 ~~protection division]~~ shall prescribe reasonable terms and
1-39 conditions allowing the documentary material to be available for
1-40 inspection and copying by the person who produced the material or
1-41 any duly authorized representative of that person. The office of
1-42 the attorney general ~~[consumer protection division]~~ may use the
1-43 documentary material or copies of it as it determines necessary in
1-44 the enforcement of this subchapter, including presentation before
1-45 any court. Any material which contains trade secrets shall not be
1-46 presented except with the approval of the court in which the action
1-47 is pending after adequate notice to the person furnishing the
1-48 material.

1-49 SECTION 3. This Act takes effect September 1, 2007.

1-50 * * * * *