

SENATE BILL 2343

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 6, Part 4 and Title 16, relative to the
attorney general and reporter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-6-402, is amended by adding the following as a new subsection:

(c)

(1) Notwithstanding subsection (a), before issuing a civil investigative demand pursuant to this part, the attorney general and reporter shall obtain judicial approval from:

(A) A chancery court judge in Davidson County; or

(B) A chancery court judge in the county in which the state's civil investigative demand is to be served.

(2) When seeking the judicial approval required by subdivision (c)(1), the attorney general and reporter shall:

(A) Create and use a standardized form for requesting judicial approval of a civil investigative demand;

(B) Certify in writing that the requested civil investigative demand is necessary for the attorney general and reporter to perform a constitutional or statutory duty of office and that the information the attorney general and reporter seeks to discover is related to a matter where the state is a party litigant or there is reasonable cause to indicate that the state will be a party litigant; and

(C) Submit a copy of the proposed civil investigative demand containing all necessary information as set forth in subsection (a) with the request for approval.

(3) The attorney general and reporter may file a request for approval of a civil investigative demand under seal and request an in camera review by the court.

(4) The chancery court judge shall issue an order approving or denying the attorney general and reporter's request for approval. If the court approves the request, then the attorney general and reporter shall serve a copy of the court's order with the civil investigative demand.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.