

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Whistleblower Reward and Protection Act  
5 is amended by changing Section 6 as follows:

6 (740 ILCS 175/6) (from Ch. 127, par. 4106)

7 Sec. 6. Subpoenas Civil-investigative-demands.

8 (a) In general.

9 (1) Issuance and service. Whenever the Attorney  
10 General has reason to believe that any person may be in  
11 possession, custody, or control of any documentary  
12 material or information relevant to an investigation, the  
13 Attorney General may, before commencing a civil  
14 proceeding under this Act, issue in writing and cause to  
15 be served upon such person, a subpoena civil  
16 investigative-demand requiring such person:

17 (A) to produce such documentary material for  
18 inspection and copying,

19 (B) to answer, in writing, written  
20 interrogatories with respect to such documentary  
21 material or information,

22 (C) to give oral testimony concerning such  
23 documentary material or information, or

24 (D) to furnish any combination of such  
25 material, answers, or testimony.

26 The Attorney General may shall delegate the  
27 authority to issue subpoenas civil-investigative-demands  
28 under this subsection (a) to the Department of State  
29 Police subject to conditions the Attorney General deems  
30 appropriate. Whenever a subpoena civil--investigative  
31 demand is an express demand for any product of discovery,

1 the Attorney General, ~~an Assistant Attorney General~~ or  
2 the Attorney General's delegate ~~of the Department of~~  
3 ~~State Police~~ shall cause to be served, in any manner  
4 authorized by this Section, a copy of such demand upon  
5 the person from whom the discovery was obtained and shall  
6 notify the person to whom such demand is issued of the  
7 date on which such copy was served.

8 (2) Contents and deadlines. ~~(A)~~ Each subpoena ~~civil~~  
9 ~~investigative demand~~ issued under paragraph (1):

10 (A) Shall state the nature of the conduct  
11 constituting an alleged violation which is under  
12 investigation, and the applicable provision of law  
13 alleged to be violated.

14 (B) Shall identify the individual causing the  
15 subpoena to be served and to whom communications  
16 regarding the subpoena should be directed.

17 (C) Shall state the date, place, and time at  
18 which the person is required to appear, produce  
19 written answers to interrogatories, produce  
20 documentary material, or give oral testimony. The  
21 date shall not be less than 10 days after the date  
22 of service of the subpoena. Compliance with the  
23 subpoena shall be at the Office of the Attorney  
24 General in either Springfield or Chicago or at  
25 another location by agreement.

26 (D) If for documentary material or  
27 interrogatories, shall describe the documents or  
28 information requested with specificity.

29 (E) Shall notify the person of the right to be  
30 assisted by counsel.

31 (F) Shall advise that the person has 20 days  
32 from the date of service, or up until the return  
33 date specified in the demand, whichever date is  
34 earlier, to move to modify or set aside the subpoena

1 under subdivision (j)(2)(A) of this Section. shall  
 2 state the nature of the conduct constituting and  
 3 alleged violation which is under investigation, and  
 4 the applicable provision of law alleged to be  
 5 violated.

6 (B) If such demand is for the production of  
 7 documentary material, the demand shall:

8 (i) describe each class of documentary  
 9 material to be produced with such definiteness  
 10 and certainty as to permit such material to be  
 11 fairly identified;

12 (ii) prescribe a return date for each  
 13 such class which will provide a reasonable  
 14 period of time within which the material so  
 15 demanded may be assembled and made available  
 16 for inspection and copying; and

17 (iii) identify the investigator to whom  
 18 such material shall be made available.

19 (C) If such demand is for answers to written  
 20 interrogatories, the demand shall:

21 (i) set forth with specificity the  
 22 written interrogatories to be answered;

23 (ii) prescribe dates at which time  
 24 answers to written interrogatories shall be  
 25 submitted; and

26 (iii) identify the investigator to whom  
 27 such answers shall be submitted.

28 (D) If such demand is for the giving of oral  
 29 testimony, the demand shall:

30 (i) prescribe a date, time, and place at  
 31 which oral testimony shall be commenced;

32 (ii) identify an investigator who shall  
 33 conduct the examination and the custodian to  
 34 whom the transcript of such examination shall

1 be-submitted;

2 (iii)--specify--that--such--attendance-and  
3 testimony-are-necessary-to-the-conduct--of--the  
4 investigation;

5 (iv)--notify--the--person--receiving--the  
6 demand-of-the-right-to--be--accompanied--by--an  
7 attorney-and-any-other-representative;-and

8 (v)--describe--the--general--purpose--for  
9 which--the--demand--is--being--issued--and--the  
10 general-nature-of-the-testimony,-including--the  
11 primary--areas--of-inquiry,-which-will-be-taken  
12 pursuant-to-the-demand.

13 (E)--Any--civil--investigative--demand--issued  
14 under--this--Section--which-is-an-express-demand-for  
15 any-product-of-discovery-shall-not--be--returned--or  
16 returnable-until-20-days-after-a-copy-of-such-demand  
17 has--been--served--upon--the--person--from--whom-the  
18 discovery-was-obtained.

19 (F)--The-date-prescribed-for--the--commencement  
20 of--oral-testimony-pursuant-to-a-civil-investigative  
21 demand-issued-under-this-Section--shall--be--a--date  
22 which--is--not--less--than--7-days-after-the-date-on  
23 which--demand--is--received,-unless--the--Attorney  
24 General--or-an-Assistant-Attorney-General-designated  
25 by-the-Attorney--General--or--the--delegate--of--the  
26 Department--of--State--Police--determines--that  
27 exceptional--circumstances-are-present-which-warrant  
28 the-commencement-of-such-testimony-within--a--lesser  
29 period-of-time.

30 (G)--The--Attorney--General--or-the-delegate-of  
31 the-Department-of-State-Police-shall--not--authorize  
32 the--issuance--under--this--Section-of-more-than-one  
33 civil-investigative-demand-for-oral-testimony-by-the  
34 same-person-unless-the-person-requests-otherwise--or

1 unless--the--Attorney-General-or-the-delegate-of-the  
 2 Department-of--State--Police,--after--investigation,  
 3 notifies--that--person-in-writing-that-an-additional  
 4 demand--for--oral--testimony--is---necessary.----The  
 5 Attorney--General-shall-authorize-the-performance-by  
 6 the-delegate-of-the-Department-of--State--Police--of  
 7 any--function--vested--in-the-Attorney-General-under  
 8 this-subparagraph-(G)-

9 (b) Protected material or information.

10 (1) In general. A subpoena civil--investigative  
 11 demand issued under subsection (a) may not require the  
 12 production of any documentary material, the submission of  
 13 any answers to written interrogatories, or the giving of  
 14 any oral testimony if such material, answers, or  
 15 testimony would be protected from disclosure under:

16 (A) the standards applicable to subpoenas or  
 17 subpoenas duces tecum issued by a court of this  
 18 State to aid in a grand jury investigation; or

19 (B) the standards applicable to discovery  
 20 requests under the Code of Civil Procedure, to the  
 21 extent that the application of such standards to any  
 22 such subpoena demand is appropriate and consistent  
 23 with the provisions and purposes of this Section.

24 (2) Effect on other orders, rules, and laws. Any  
 25 subpoena such--demand which is an express demand for any  
 26 product of discovery supersedes any inconsistent order,  
 27 rule, or provision of law (other than this Section)  
 28 preventing or restraining disclosure of such product of  
 29 discovery to any person. Disclosure of any product of  
 30 discovery pursuant to any such express demand does not  
 31 constitute a waiver of any right or privilege which the  
 32 person making make such disclosure may be entitled to  
 33 invoke to resist discovery of trial preparation  
 34 materials.

1 (c) Service-~~jurisdiction~~.

2 (1) How By-whom served, generally. Any subpoena  
3 civil--investigative--demand issued under subsection (a)  
4 may be served by any person so authorized by the Attorney  
5 General an-investigator, or by any person authorized to  
6 serve process on individuals within Illinois, through any  
7 method prescribed for the service of subpoenas by the  
8 Code of Civil Procedure or as otherwise set forth in this  
9 Section.

10 (2) (Blank). Service-in-foreign-countries-~~Any-such~~  
11 ~~demand-or-any-petition-filed-under-subsection-(j)-may--be~~  
12 ~~served--upon--any-person-who-is-not-found-within-Illinois~~  
13 ~~in-such-manner-as-the-Code-of-Civil-Procedure--prescribes~~  
14 ~~for--service--of--process-outside-Illinois-~~To-the-extent~~~~  
15 ~~that-the-courts-of-this--State--can--assert--jurisdiction~~  
16 ~~over--any--such---person-consistent-with-due-process, the~~  
17 ~~courts-of-this-State-shall-have-the-same-jurisdiction--to~~  
18 ~~take--any--action-respecting-compliance-with-this-Section~~  
19 ~~by-any-such-person-that-such-court--would--have--if--such~~  
20 ~~person--were--personally--within-the-jurisdiction-of-such~~  
21 ~~court.~~

22 (d) Service upon legal entities and natural persons.

23 (1) Legal entities. Service of any subpoena civil  
24 investigative--demand issued under subsection (a) or of  
25 any petition filed under subsection (j) may be made upon  
26 a partnership, corporation, association, or other legal  
27 entity by:

28 (A) delivering an executed copy of such demand  
29 or petition to any partner, executive officer,  
30 managing agent, general agent, or registered agent  
31 of the partnership, corporation, association or  
32 entity;

33 (B) delivering an executed copy of such demand  
34 or petition to the principal office or place of

1 business of the partnership, corporation,  
2 association, or entity; or

3 (C) depositing an executed copy of such demand  
4 or petition in the United States mails by registered  
5 or certified mail, with a return receipt requested,  
6 addressed to such partnership, corporation,  
7 association, or entity as its principal office or  
8 place of business.

9 (2) Natural person. Service of any such demand or  
10 petition may be made upon any natural person by:

11 (A) delivering an executed copy of such demand  
12 or petition to the person; or

13 (B) depositing an executed copy of such demand  
14 or petition in the United States mails by registered  
15 or certified mail, with a return receipt requested,  
16 addressed to the person at the person's residence or  
17 principal office or place of business.

18 (e) Proof of service. A verified return by the  
19 individual serving any subpoena ~~civil-investigative-demand~~  
20 issued under subsection (a) or any petition filed under  
21 subsection (j) setting forth the manner of such service shall  
22 be proof of such service. In the case of service by  
23 registered or certified mail, such return shall be  
24 accompanied by the return post office receipt of delivery of  
25 such demand.

26 (f) Documentary material.

27 (1) Sworn certificates. The production of  
28 documentary material in response to a subpoena ~~civil~~  
29 ~~investigative--demand~~ served under this Section shall be  
30 made under a sworn certificate, in such form as the  
31 subpoena demand designates, by:

32 (A) in the case of a natural person, the  
33 person to whom the demand is directed, or

34 (B) in the case of a person other than a

1 natural person, a person having knowledge of the  
 2 facts and circumstances relating to such production  
 3 and authorized to act on behalf of such person.

4 The certificate shall state that all of the  
 5 documentary material required by the subpoena demand and  
 6 in the possession, custody, or control of the person to  
 7 whom the subpoena demand is directed has been produced  
 8 and made available to the investigator identified in the  
 9 subpoena demand.

10 (2) Production of materials. Any person upon whom  
 11 any subpoena ~~civil---~~investigative~~---~~demand for the  
 12 production of documentary material has been served under  
 13 this Section shall make such material available for  
 14 inspection and copying to the investigator identified in  
 15 such subpoena demand at the ~~principal~~ place designated in  
 16 the subpoena ~~of-business-of-such-person,~~ or at such other  
 17 place as the investigator and the person thereafter may  
 18 agree and prescribe in writing, or as the court may  
 19 direct under subsection (j)(1). Such material shall be  
 20 made so available on the return date specified in such  
 21 demand, or on such later date as the investigator may  
 22 prescribe in writing. Such person may, upon written  
 23 agreement between the person and the investigator,  
 24 substitute copies for originals of all or any part of  
 25 such material.

26 (g) Interrogatories. Each interrogatory in a subpoena  
 27 ~~civil-investigative-demand~~ served under this Section shall be  
 28 answered separately and fully in writing under oath and shall  
 29 be submitted under a sworn certificate, in such form as the  
 30 subpoena demand designates by:

31 (1) in the case of a natural person, the person to  
 32 whom the demand is directed, or

33 (2) in the case of a person other than a natural  
 34 person, the person or persons responsible for answering

1 each interrogatory.

2 If any interrogatory is objected to, the reasons for the  
3 objection shall be stated in the certificate instead of an  
4 answer. The certificate shall state that all information  
5 required by the demand and in the possession, custody,  
6 control, or knowledge of the person to whom the demand is  
7 directed has been submitted. To the extent that any  
8 information is not furnished, the information shall be  
9 identified and reasons set forth with particularity regarding  
10 the reasons why the information was not furnished.

11 (h) Oral examinations.

12 (1) Procedures. The examination of any person  
13 pursuant to a subpoena ~~civil--investigative--demand~~ for  
14 oral testimony served under this Section shall be taken  
15 before an officer authorized to administer oaths and  
16 affirmations by the laws of this State or of the place  
17 where the examination is held. The officer before whom  
18 the testimony is to be taken shall put the witness on  
19 oath or affirmation and shall, personally or by someone  
20 acting under the direction of the officer and in the  
21 officer's presence, record the testimony of the witness.  
22 The testimony shall be taken stenographically and shall  
23 be transcribed. When the testimony is fully transcribed,  
24 the officer before whom the testimony is taken shall  
25 promptly transmit a certified copy of the transcript of  
26 the testimony in accordance with the instructions of the  
27 Attorney General ~~to-the-custodian~~. This subsection shall  
28 not preclude the taking of testimony by any means  
29 authorized by, and in a manner consistent with, the Code  
30 of Civil Procedure.

31 (2) Persons present. The Attorney General  
32 ~~investigator--conducting--the--examination~~ shall exclude  
33 from the place where the examination is held all persons  
34 except the person giving the testimony, the attorney for

1 that person and any other representative of the person  
2 giving the testimony, the attorney for the State, any  
3 person who may be agreed upon by the attorney for the  
4 State and the person giving the testimony, the officer  
5 before whom the testimony is to be taken, and other  
6 persons the Attorney General determines are necessary for  
7 the enforcement of the laws of this State any  
8 stenographer taking such testimony.

9 (3) Where testimony taken. The oral testimony of  
10 any person taken pursuant to a subpoena civil  
11 investigative demand served under this Section shall be  
12 taken at the place designated in the subpoena in the  
13 county within which such person resides, is found, or  
14 transacts business, or in such other place as may be  
15 agreed upon by the Attorney General investigator  
16 conducting the examination and such person.

17 (4) Transcript of testimony. When the testimony is  
18 fully transcribed, the Attorney General investigator or  
19 the officer before whom the testimony is taken shall  
20 afford the witness, who may be accompanied by counsel, a  
21 reasonable opportunity to review and correct examine and  
22 read the transcript, in accordance with the rules  
23 applicable to deposition witnesses in civil cases. Upon  
24 payment of the reasonable charges for the transcript, the  
25 Attorney General shall furnish a copy of the transcript  
26 to the witness, except that the Attorney General may, for  
27 good cause, limit the witness to inspection of the  
28 official transcript of the witness' testimony. unless  
29 such examination and reading are waived by the witness.  
30 Any changes in form or substance which the witness  
31 desires to make shall be entered and identified upon the  
32 transcript by the officer or the investigator, with a  
33 statement of the reasons given by the witness for making  
34 such changes. The transcript shall then be signed by the

1 witness, unless the witness in writing waives the  
 2 signing, is ill, cannot be found, or refuses to sign. If  
 3 the transcript is not signed by the witness within 30  
 4 days after being afforded a reasonable opportunity to  
 5 examine it, the officer of investigator shall sign it and  
 6 state on the record the fact of the waiver, illness,  
 7 absence of the witness, or the refusal to sign, together  
 8 with the reasons, if any, given therefor.

9 (5) (Blank). Certification and delivery to  
 10 custodian. The officer before whom the testimony is  
 11 taken shall certify on the transcript that the witness  
 12 was sworn by the officer and that the transcript is a  
 13 true record of the testimony given by the witness, and  
 14 the officer or investigator shall promptly deliver the  
 15 transcript, or send the transcript by registered or  
 16 certified mail, to the custodian.

17 (6) (Blank). Furnishing or inspection of transcript  
 18 by witness. Upon payment of reasonable charges therefor,  
 19 the investigator shall furnish a copy of the transcript  
 20 to the witness only, except that the Attorney General, an  
 21 Assistant Attorney General or employee of the Department  
 22 of State Police may, for good cause, limit such witness  
 23 to inspection of the official transcript of the witness'  
 24 testimony.

25 (7) Conduct of oral testimony.

26 (A) Any person compelled to appear for oral  
 27 testimony under a subpoena civil investigative  
 28 demand issued under subsection (a) may be  
 29 accompanied, represented, and advised by counsel,  
 30 who may raise objections based on matters of  
 31 privilege in accordance with the rules applicable to  
 32 depositions in civil cases. Counsel may advise such  
 33 person, in confidence, with respect to any question  
 34 asked of such person. Such person or counsel may

1           object-on-the-record-to-any-question, in whole or in  
 2           part, and shall briefly state for the record the  
 3           reason for the objection. An objection may be made,  
 4           received, and entered upon the record when it is  
 5           claimed that such person is entitled to refuse to  
 6           answer the question on the grounds of any  
 7           constitutional or other legal right or privilege,  
 8           including the privilege against self-incrimination.  
 9           If such person refuses to answer any question, a  
 10          petition may be filed in circuit court under  
 11          subsection (j)(1) for an order compelling such  
 12          person to answer such question.

13           (B) If such person refuses any question on the  
 14          grounds of the privilege against self-incrimination,  
 15          the testimony of such person may be compelled in  
 16          accordance with Article 106 of the Code of Criminal  
 17          Procedure of 1963.

18           (8) Witness fees and allowances. Any person  
 19          appearing for oral testimony under a subpoena civil  
 20          investigative-demand issued under subsection (a) shall be  
 21          entitled to the same fees and allowances which are paid  
 22          to witnesses in the circuit court.

23          (i) Custodians of documents, answers, and transcripts.

24           (1) Designation. The Attorney General or the  
 25          Attorney General's delegate shall designate the  
 26          Department of State Police to serve as custodian of  
 27          documentary material, answers to interrogatories, and  
 28          transcripts of oral testimony received under this Section  
 29          and shall designate additional employees of the  
 30          Department of State Police as the Attorney General  
 31          determines from time to time to be necessary to serve as  
 32          deputies to the custodian.

33           (2) Availability of Responsibility for materials;  
 34          disclosure.

1           (A) (Blank). An investigator who receives any  
 2           documentary material, answers to interrogatories, or  
 3           transcripts of oral testimony under this Section  
 4           shall transmit them to the custodian. The custodian  
 5           shall take physical possession of such material,  
 6           answers, or transcripts and shall be responsible for  
 7           the use made of them and for the return of  
 8           documentary material under paragraph (4).

9           (B) (Blank). The custodian may cause the  
 10          preparation of such copies of such documentary  
 11          material, answers to interrogatories, or transcripts  
 12          of oral testimony as may be required for official  
 13          use by any investigator, or other officer or  
 14          employee of the Attorney General or employee of the  
 15          Department of State Police who is authorized for  
 16          such use under regulations which the Attorney  
 17          General shall issue. Such material, answers, and  
 18          transcripts may be used by any such authorized  
 19          investigator or other officer or employee in  
 20          connection with the taking of oral testimony under  
 21          this Section.

22          (C) Except as otherwise provided in this  
 23          Section subsection (i), no documentary material,  
 24          answers to interrogatories, or transcripts of oral  
 25          testimony, or copies thereof, while in the  
 26          possession of the custodian, shall be available for  
 27          examination by any individual except as determined  
 28          necessary by the Attorney General, and subject to  
 29          the conditions imposed by the Attorney General, for  
 30          the effective enforcement of the laws of this State,  
 31          or as otherwise provided by court order. other than  
 32          an investigator or other officer or employee of the  
 33          Attorney General or employee of the Department of  
 34          State Police authorized under subparagraph (B). The

1 prohibition---in---the---preceding---sentence---on---the  
 2 availability-of-material,---answers,---or---transcripts  
 3 shall---not---apply---if---consent---is---given---by---the---person  
 4 who-produced-such-material,---answers,---or---transcripts,  
 5 or,---in---the---case---of---any---product---of---discovery---produced  
 6 pursuant-to-an-express---demand---for---such---material,  
 7 consent---is---given---by---the---person---from---whom---the  
 8 discovery-was-obtained.---Nothing-in-this-subparagraph  
 9 is---intended---to---prevent---disclosure-to-the-General  
 10 Assembly,---including-any-committee-or-subcommittee-of  
 11 the-General-Assembly,---or-to-any-other---State---agency  
 12 for---use---by---such---agency---in---furtherance---of---its  
 13 statutory---responsibilities.-----Disclosure---of  
 14 information---to---any---such---other---agency---shall---be  
 15 allowed-only-upon-application,---made-by-the---Attorney  
 16 General-to-a-circuit-court,---showing-substantial-need  
 17 for---the---use---of---the-information-by-such-agency-in  
 18 furtherance-of-its-statutory-responsibilities.

19 (D) (Blank). While-in-the---possession---of---the  
 20 custodian---and---under---such---reasonable---terms---and  
 21 conditions-as-the-Attorney-General-shall-prescribe:

22 (i)---documentary-material-and---answers---to  
 23 interrogatories---shall---be---available---for  
 24 examination-by-the---person---who---produced---such  
 25 material-or-answers,---or-by-a-representative-for  
 26 that---person---authorized---by---that---person---to  
 27 examine-such-material-and-answers;---and

28 (ii)---transcripts-of-oral-testimony---shall  
 29 be---available-for-examination-by-the-person-who  
 30 produced-such-testimony,---or-by-a-representative  
 31 of-that-person-authorized---by---that---person---to  
 32 examine-such-transcripts.

33 (3) (Blank). Use---of---material,---answers,---or  
 34 transcripts---in---other-proceedings.---Whenever-any-attorney

1 of--the--office--of--the--Attorney--General,--or--State's  
2 Attorney-upon-a-referral,--has-been-designated--to--appear  
3 before-any-court,--grand-jury,--or-State-agency-in-any-case  
4 or-proceeding,--the-custodian-of-any-documentary-material,  
5 answers---to--interrogatories,--or--transcripts--of--oral  
6 testimony-received-under-this-Section-may-deliver-to-such  
7 attorney--such--material,--answers,--or--transcripts--for  
8 official--use--in--connection--with--any--such--case---or  
9 proceeding--as--such--attorney-determines-to-be-required.  
10 Upon-the-completion-of-any-such-case-or-proceeding,--such  
11 attorney-shall-return-to-the-custodian-any-such-material,  
12 answers,--or--transcripts--so--delivered--which--have-not  
13 passed-into-the-control-of-such--court,--grand--jury,--or  
14 agency--through-introduction-into-the-record-of-such-case  
15 or-proceeding.

16 (4) Conditions for return of material. If any  
17 documentary material has been produced by any person in  
18 the course of any investigation pursuant to a subpoena  
19 civil-investigative-demand under this Section and:

20 (A) any case or proceeding before the court or  
21 grand jury arising out of such investigation, or any  
22 proceeding before any State agency involving such  
23 material, has been completed, or

24 (B) no case or proceeding in which such  
25 material may be used has been commenced within a  
26 reasonable time after completion of the examination  
27 and analysis of all documentary material and other  
28 information assembled in the course of such  
29 investigation,

30 the custodian shall, upon written request of the person  
31 who produced such material, return to such person any  
32 such material (other--than--copies--furnished--to--the  
33 investigator-under-subsection--(f)(2)--or--made--for--the  
34 Attorney--General--or-employee-of-the-Department-of-State

Police under paragraph (2)(B) which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

(5) (Blank). Appointment of successor custodians. In the event of the death, disability, or separation from service in the Department of State Police of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this Section, or in the event of the official relief of such custodian from responsibility for the custody and control of such material, answers, or transcripts, the Attorney General shall promptly:

(A) designate another employee of the Department of State Police to serve as custodian of such material, answers, or transcripts, and

(B) transmit in writing to the person who produced such material, answers, or testimony notice of the identity and address of the successor so designated.

Any person who is designated to be a successor under this paragraph (5) shall have, with regard to such material, answers, or transcripts, the same duties and responsibilities as were imposed by this Section upon that person's predecessor in office, except that the successor shall not be held responsible for any default or dereliction which occurred before that designation.

(j) Judicial proceedings.

(1) Petition for enforcement. Whenever any person fails to comply with any subpoena civil investigative demand issued under subsection (a), or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender such material, the Attorney General

1 may file, in the circuit court of Sangamon County or Cook  
 2 County, or in the circuit court of any county in which  
 3 such person resides, is found, or transacts business, or  
 4 in the circuit court of the county in which an action  
 5 filed under Section 4 of this Act is pending if that  
 6 action relates to the subject matter of the subpoena, and  
 7 serve upon such person a petition for an order of such  
 8 court for the enforcement of the subpoena ~~civil~~  
 9 ~~investigative-~~demand.

10 (2) Petition to modify or set aside subpoena  
 11 demand.

12 (A) Any person who has received a subpoena  
 13 ~~civil--investigative--demand~~ issued under subsection  
 14 (a) may file, in the circuit court of any county  
 15 within which such person resides, is found, or  
 16 transacts business, and serve upon the individual  
 17 investigator identified as having served the  
 18 subpoena, ~~in-such-demand~~ a petition for an order of  
 19 the court to modify or set aside such subpoena  
 20 demand. In the case of a petition addressed to an  
 21 express demand for any product of discovery, a  
 22 petition to modify or set aside such demand may be  
 23 brought only in the circuit court of the county in  
 24 which the proceeding in which such discovery was  
 25 obtained is or was last pending. Any petition under  
 26 this subparagraph (A) must be filed:

27 (i) within 20 days after the date of  
 28 service of the subpoena ~~civil-investigative~~  
 29 ~~demand,~~ or at any time before the return date  
 30 specified in the demand, whichever date is  
 31 earlier, or

32 (ii) within such longer period as may be  
 33 prescribed in writing by any investigator  
 34 identified in the demand. The failure to file

1           such a petition within that period waives the  
 2           person's right to object to the subpoena on  
 3           procedural or substantive grounds not going to  
 4           matters of privilege.

5           (B) The petition shall specify each ground  
 6           upon which the petitioner relies in seeking relief  
 7           under subparagraph (A), and may be based upon any  
 8           failure of the demand to comply with the provisions  
 9           of this Section or upon any constitutional or other  
 10          legal right or privilege of such person. During the  
 11          pendency of the petition in the court, the court may  
 12          stay, as it deems proper, the running of the time  
 13          allowed for compliance with the demand, in whole or  
 14          in part, except that the person filing the petition  
 15          shall comply with any portion of the demand not  
 16          sought to be modified or set aside.

17          (3) Petition to modify or set aside demand for  
 18          product of discovery.

19          (A) In the case of any subpoena ~~civil~~  
 20          investigative-demand issued under subsection (a)  
 21          which is an express demand for any product of  
 22          discovery, the person from whom such discovery was  
 23          obtained may file, in the circuit court of the  
 24          county in which the proceeding in which such  
 25          discovery was obtained is or was last pending, and  
 26          ~~serve-upon-any-investigator-identified-in-the-demand~~  
 27          ~~and-upon-the-recipient-of-the-demand,~~ a petition for  
 28          an order of such court to modify or set aside those  
 29          portions of the demand requiring production of any  
 30          such product of discovery, subject to the same  
 31          terms, conditions, and limitations as set forth in  
 32          subdivision (j)(2). ~~Any---petition---under---this~~  
 33          ~~subparagraph-(A)-must-be-filed:~~

34                 ~~(i)---within--20--days--after--the--date--of~~

1 service-of-the-civil-investigative-demand, or  
 2 at-any-time-before-the-return-date-specified-in  
 3 the-demand, whichever-date-is-earlier, or

4 (ii) within such longer period as may be  
 5 prescribed in writing by any investigator  
 6 identified in the demand.

7 (B) (Blank). The petition shall specify each  
 8 ground upon which the petitioner relies in seeking  
 9 relief under subparagraph (A), and may be based upon  
 10 any failure of the portions of the demand from which  
 11 relief is sought to comply with the provisions of  
 12 this Section, or upon any constitutional or other  
 13 legal right or privilege of the petitioner. During  
 14 the pendency of the petition, the court may stay, as  
 15 it deems proper, compliance with the demand and the  
 16 running of the time allowed from compliance with the  
 17 demand.

18 (4) (Blank). Petition to require performance by  
 19 custodian of duties. At any time during which any  
 20 custodian is in custody or control of any documentary  
 21 material or answers to interrogatories produced, or  
 22 transcripts of oral testimony given, by any person in  
 23 compliance with any civil investigative demand issued  
 24 under subsection (a), such person, and in the case of an  
 25 express demand for any product of discovery, the person  
 26 from whom such discovery was obtained, may file, in the  
 27 circuit court of the county within which the office of  
 28 such custodian is situated, and serve upon such  
 29 custodian, a petition for an order of such court to  
 30 require the performance by the custodian of any duty  
 31 imposed upon the custodian by this Section.

32 (5) Jurisdiction. Whenever any petition is filed in  
 33 any circuit court under this subsection (j), such court  
 34 shall have jurisdiction to hear and determine the matter

1 so presented, and to enter such orders as may be required  
2 to carry out the provisions of this Section. Any final  
3 order so entered shall be subject to appeal in the same  
4 manner as appeals of other final orders in civil matters.  
5 Any disobedience of any final order entered under this  
6 Section by any court shall be punished as a contempt of  
7 the court.

8 (k) Disclosure exemption. Any documentary material,  
9 answers to written interrogatories, or oral testimony  
10 provided under any subpoena civil-investigative-demand issued  
11 under subsection (a) shall be exempt from disclosure under  
12 the Illinois Administrative Procedure Act.

13 (Source: P.A. 87-662; revised 12-07-01.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.