



January 26, 2007

SENATE BILL No. 267

DIGEST OF SB 267 (Updated January 24, 2007 11:39 am - DI 106)

Citations Affected: IC 4-6.

Synopsis: Attorney general investigative demands. Provides that if: (1) the attorney general issues an investigative demand in a civil action concerning a statute enforced by the attorney general; (2) a person objects to or otherwise fails to obey the written demand; and (3) the person does not reside or maintain a principal place of business in Indiana; the attorney general may file an application for an order to enforce the demand in the Marion County circuit or superior court.

Effective: July 1, 2007.

Bray, Broden

January 8, 2007, read first time and referred to Committee on Judiciary.
January 25, 2007, reported favorably — Do Pass.

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SB 267—LS 6940/DI 69+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 267



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-3-6 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2007]: Sec. 6. If a person objects or otherwise
 3 fails to obey a written demand issued under section 3 of this chapter,
 4 the attorney general may file in the circuit or superior court of the
 5 county in which that person resides or maintains a principal place of
 6 business within the state an application for an order to enforce the
 7 demand. **If the person does not reside or maintain a principal place**
 8 **of business in Indiana, the application for the order to enforce the**
 9 **demand may be filed in the Marion County circuit or superior**
 10 **court.** Notice of hearing and a copy of the application shall be served
 11 upon that person, who may appear in opposition to the application. The
 12 attorney general must demonstrate to the court that the demand is
 13 proper. If the court finds that the demand is proper, it shall order that
 14 person to comply with the demand, subject to such modification as the
 15 court may prescribe. Upon motion by that person and for good cause
 16 shown, the court may make any further order in the proceedings which
 17 justice requires to protect ~~him~~ **the person** from unreasonable

SB 267—LS 6940/DI 69+



1 annoyance, embarrassment, oppression, burden, expense, or to protect
2 privileged information, trade secrets or information which is
3 confidential under any other provision of law. If the court finds that
4 either party has acted in bad faith in seeking or resisting the demand,
5 it may order that person to pay the other parties reasonable expenses
6 including attorneys' fees.

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SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 267.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 267 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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