

1 AN ACT concerning whistleblower protection.

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 authority to
27 issue subpoenas ~~civil-investigative--demands~~ under this
28 subsection (a) to the Department of State Police subject
29 to conditions as the Attorney General deems appropriate.

30 Whenever a subpoena ~~civil--investigative--demand~~ is an
31 express demand for any product of discovery, the Attorney

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

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

10 (A) Shall state the nature of the conduct
 11 constituting an alleged violation that 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 from the date of
 22 service of the subpoena. Compliance with the
 23 subpoena shall be at the Office of the Attorney
 24 General in either the Springfield or Chicago
 25 location or at other location by agreement.

26 (D) If the subpoena is for documentary
 27 material or interrogatories, shall describe the
 28 documents or 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 date
 33 specified in the demand, whichever date is earlier,
 34 to move, modify, or set aside the subpoena pursuant

1 to subparagraph (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 such subpoena 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 subpoena express--demand
31 does not constitute a waiver of any right or privilege
32 which the person making such disclosure may be entitled
33 to invoke to resist discovery of trial preparation
34 materials.

1 (c) Service in general;--jurisdiction. (1)--By--whom
 2 served. Any subpoena ~~civil-investigative-demand~~ issued under
 3 subsection (a) may be served by any person so authorized by
 4 the Attorney General an--investigator, or by any person
 5 authorized to serve process on individuals within Illinois,
 6 through any method prescribed in the Code of Civil Procedure
 7 or as otherwise set forth in this Act.

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

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

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

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

30 (B) delivering an executed copy of such
 31 subpoena demand or petition to the principal office
 32 or place of business of the partnership,
 33 corporation, association, or entity; or

34 (C) depositing an executed copy of such

1 subpoena demand or petition in the United States
 2 mails by registered or certified mail, with a return
 3 receipt requested, addressed to such partnership,
 4 corporation, association, or entity as its principal
 5 office or place of business.

6 (2) Natural person. Service of any such subpoena
 7 demand or petition may be made upon any natural person
 8 by:

9 (A) delivering an executed copy of such
 10 subpoena demand or petition to the person; or

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

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

25 (f) Documentary material.

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

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

33 (B) in the case of a person other than a
 34 natural person, a person having knowledge of the

1 facts and circumstances relating to such production
2 and authorized to act on behalf of such person.

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

9 (2) Production of materials. Any person upon whom
10 any subpoena ~~civil---investigative---demand~~ for the
11 production of documentary material has been served under
12 this Section shall make such material available for
13 inspection and copying to the Attorney General
14 investigator--identified--in--such--demand at the place
15 designated in the subpoena ~~principal-place-of-business-of~~
16 ~~such-person~~, or at such other place as the Attorney
17 General investigator and the person thereafter may agree
18 and prescribe in writing, or as the court may direct
19 under subsection (j)(1). Such material shall be made so
20 available on the return date specified in such subpoena
21 demand, or on such later date as the Attorney General
22 investigator may prescribe in writing. Such person may,
23 upon written agreement between the person and the
24 Attorney General investigator, substitute copies for
25 originals of all or any part of 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 subpoena 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 subpoena demand and in the possession,
6 custody, control, or knowledge of the person to whom the
7 demand is directed has been submitted. To the extent that
8 any 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 ~~may~~
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 the 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 any other
 6 persons as the Attorney General determines are necessary
 7 for enforcement of the laws of this State and--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 reasonable charges, the Attorney General shall
 25 furnish a copy of the transcript to the witness, except
 26 that the Attorney General may, for good cause, limit the
 27 witness to inspection of the official transcript of the
 28 witness' testimony. unless--such--examination--and--reading
 29 are--waived--by--the--witness.---Any--changes--in--form--or
 30 substance--which--the--witness--desires--to--make--shall--be
 31 entered--and--identified--upon--the--transcript--by--the--officer
 32 or--the--investigator,--with--a--statement--of--the--reasons
 33 given--by--the--witness--for--making--such--changes.---The
 34 transcript--shall--then--be--signed--by--the--witness,--unless

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

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

17 (6)--Furnishing--or--inspection--of--transcript--by
 18 witness.--Upon-payment-of-reasonable-charges-therefor, the
 19 investigator--shall--furnish--a-copy-of-the-transcript-to
 20 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 (5) (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 (6) (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 his or her
 25 delegate shall designate the Department of State Police
 26 to serve as custodian of documentary material, answers to
 27 interrogatories, and transcripts of oral testimony
 28 received under this Section. and shall designate
 29 additional employees of the Department of State Police as
 30 the Attorney General determines from time to time to be
 31 necessary to serve as deputies to the custodian.

32 (2) Responsibility for materials; disclosure.

33 (A) An investigator who receives any
 34 documentary material, answers to interrogatories, or

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

7 (B)--The--custodian--may--cause--the--preparation--of
8 such--copies--of--such--documentary--material,⁷ answers--to
9 interrogatories,⁷ or transcripts of oral testimony as
10 may--be--required--for--official--use--by--any
11 investigator,⁷ or other officer or employee of the
12 Attorney--General--or--employee--of--the--Department--of
13 State--Police--who--is--authorized--for--such--use--under
14 regulations--which--the--Attorney--General--shall--issue.
15 Such material,⁷ answers,⁷ and transcripts may be used
16 by any such authorized investigator or other officer
17 or employee in connection with the taking of oral
18 testimony under this Section.

19 (2) (C) Except as otherwise provided in this
20 Section subsection (i), no documentary material, answers
21 to interrogatories, or transcripts of oral testimony, or
22 copies thereof, while in the possession of the custodian,
23 shall be available for examination by any individual,
24 except as determined necessary by the Attorney General
25 and subject to the conditions imposed by him or her for
26 effective enforcement of the laws of this State, or as
27 otherwise provided by court order. other--than--an
28 investigator or other officer or employee of the Attorney
29 General or employee of the Department of State Police
30 authorized under subparagraph (B). The prohibition in the
31 preceding sentence on the availability of material,⁷
32 answers,⁷ or transcripts shall not apply if consent is
33 given by the person who produced such material,⁷ answers,⁷
34 or transcripts,⁷ or in the case of any product of

1 discovery-produced-pursuant-to-an-express-demand-for-such
2 material, consent-is-given-by-the-person--from--whom--the
3 discovery--was--obtained.-Nothing-in-this-subparagraph-is
4 intended-to-prevent-disclosure-to-the--General--Assembly,
5 including--any--committee--or-subcommittee-of-the-General
6 Assembly, or-to-any-other-State-agency-for--use--by--such
7 agency--in-furtherance-of-its-statutory-responsibilities.
8 Disclosure-of-information-to-any-such-other-agency--shall
9 be--allowed--only--upon-application, made-by-the-Attorney
10 General-to-a-circuit-court, showing-substantial-need--for
11 the--use-of-the-information-by-such-agency-in-furtherance
12 of-its-statutory-responsibilities.

13 (D)--While-in-the-possession-of--the--custodian
14 and--under--such--reasonable-terms-and-conditions-as
15 the-Attorney-General-shall-prescribe:

16 (i)--documentary-material-and--answers--to
17 interrogatories----shall--be--available--for
18 examination-by-the--person--who--produced--such
19 material-or-answers, or-by-a-representative-for
20 that--person--authorized--by--that--person--to
21 examine-such-material-and-answers; and

22 (ii)--transcripts-of-oral-testimony--shall
23 be--available-for-examination-by-the-person-who
24 produced-such-testimony, or-by-a-representative
25 of-that-person-authorized--by--that--person--to
26 examine-such-transcripts.

27 (3)--Use--of--material, answers, or-transcripts-in
28 other-proceedings.-Whenever-any-attorney-of-the-office-of
29 the--Attorney--General, or--State's--Attorney--upon--a
30 referral, has-been-designated-to-appear-before-any-court,
31 grand--jury, or--State-agency-in-any-case-or-proceeding,
32 the-custodian-of-any--documentary--material, answers--to
33 interrogatories, or--transcripts--of--oral--testimony
34 received-under-this-Section-may-deliver-to-such--attorney

1 such--material,--answers,--or--transcripts--for--official--use
 2 in--connection--with--any--such--case--or--proceeding--as--such
 3 attorney--determines--to--be--required.--Upon--the--completion
 4 of--any--such--case--or--proceeding,--such--attorney--shall
 5 return--to--the--custodian--any--such--material,--answers,--or
 6 transcripts--so--delivered--which--have--not--passed--into--the
 7 control--of--such--court,--grand--jury,--or--agency--through
 8 introduction--into--the--record--of--such--case--or--proceeding.

9 (3) (4) Conditions for return of material. If any
 10 documentary material has been produced by any person in
 11 the course of any investigation pursuant to a subpoena
 12 civil-investigative-demand under this Section and:

13 (A) any case or proceeding before the court or
 14 grand jury arising out of such investigation, or any
 15 proceeding before any State agency involving such
 16 material, has been completed, or

17 (B) no case or proceeding in which such
 18 material may be used has been commenced within a
 19 reasonable time after completion of the examination
 20 and analysis of all documentary material and other
 21 information assembled in the course of such
 22 investigation,

23 the custodian shall, upon written request of the person
 24 who produced such material, return to such person any
 25 such material (other--than--copies--furnished--to--the
 26 investigator--under--subsection--(f)(2)--or--made--for--the
 27 Attorney--General--or--employee--of--the--Department--of--State
 28 Police--under--paragraph--(2)(B)) which has not passed into
 29 the control of any court, grand jury, or agency through
 30 introduction into the record of such case or proceeding.

31 (5)--Appointment--of--successor--custodians.--In--the
 32 event--of--the--death,--disability,--or--separation--from
 33 service--in--the--Department--of--State--Police--of--the
 34 custodian--of--any--documentary--material,--answers--to

1 interrogatories,---or---transcripts---of---oral---testimony
 2 produced-pursuant-to-a-civil-investigative--demand--under
 3 this--Section,--or-in-the-event-of-the-official-relief-of
 4 such-custodian-from-responsibility-for--the--custody--and
 5 control--of--such--material,--answers,--or-transcripts,--the
 6 Attorney-General-shall-promptly:

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

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

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

21 (j) Judicial proceedings.

22 (1) Petition for enforcement. Whenever any person
 23 fails to comply with any subpoena civil--investigative
 24 demand issued under subsection (a), or whenever
 25 satisfactory copying or reproduction of any material
 26 requested in such demand cannot be done and such person
 27 refuses to surrender such material, the Attorney General
 28 may file, in the circuit court of any county in which
 29 such person resides, is found, or transacts business, or
 30 the circuit court of the county in which an action filed
 31 pursuant to Section 4 of this Act is pending if the
 32 action relates to the subject matter of the subpoena and
 33 serve upon such person a petition for an order of such
 34 court for the enforcement of the subpoena civil

1 investigative-demand.

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

4 (A) Any person who has received a subpoena
5 ~~civil-investigative-demand~~ issued under subsection
6 (a) may file, in the circuit court of any county
7 within which such person resides, is found, or
8 transacts business, and serve upon the Attorney
9 General ~~investigator-identified--in--such--demand~~ a
10 petition for an order of the court to modify or set
11 aside such subpoena demand. In the case of a
12 petition addressed to an express demand for any
13 product of discovery, a petition to modify or set
14 aside such demand may be brought only in the circuit
15 court of the county in which the proceeding in which
16 such discovery was obtained is or was last pending.
17 Any petition under this subparagraph (A) must be
18 filed:

19 (i) within 20 days after the date of
20 service of the subpoena ~~civil-investigative~~
21 demand, or at any time before the return date
22 specified in the subpoena demand, whichever
23 date is earlier, or

24 (ii) within such longer period as may be
25 prescribed in writing by the Attorney General
26 ~~any-investigator-identified-in-the-demand~~.

27 (B) The petition shall specify each ground
28 upon which the petitioner relies in seeking relief
29 under subparagraph (A), and may be based upon any
30 failure of the subpoena demand to comply with the
31 provisions of this Section or upon any
32 constitutional or other legal right or privilege of
33 such person. During the pendency of the petition in
34 the court, the court may stay, as it deems proper,

1 the running of the time allowed for compliance with
2 the subpoena demand, in whole or in part, except
3 that the person filing the petition shall comply
4 with any portion of the subpoena demand not sought
5 to be modified or set aside.

6 (3) Petition to modify or set aside demand for
7 product of discovery. (A) In the case of any subpoena
8 ~~civil-investigative-demand~~ issued under subsection (a)
9 which is an express demand for any product of discovery,
10 the person from whom such discovery was obtained may
11 file, in the circuit court of the county in which the
12 proceeding in which such discovery was obtained is or was
13 last pending, ~~and-serve-upon-any-investigator--identified~~
14 ~~in--the--demand--and--upon-the-recipient-of-the-demand,~~ a
15 petition for an order of such court to modify or set
16 aside those portions of the subpoena demand requiring
17 production of any such product of discovery, subject to
18 the same terms, conditions, and limitations set forth in
19 subparagraph (j)(2) of this Section. ~~Any--petition--under~~
20 ~~this-subparagraph-(A)--must-be-filed:~~

21 (i) ~~--within--20--days--after--the--date-of~~
22 ~~service-of-the-civil-investigative--demand,~~ ~~--or~~
23 ~~at-any-time-before-the-return-date-specified-in~~
24 ~~the-demand,~~ ~~whichever-date-is-earlier,~~ ~~or~~

25 (ii) ~~--within--such-longer-period-as-may-be~~
26 ~~prescribed--in--writing--by--any--investigator~~
27 ~~identified-in-the-demand.~~

28 (B) ~~--The--petition--shall--specify--each-ground~~
29 ~~upon-which-the-petitioner-relies-in--seeking--relief~~
30 ~~under--subparagraph--(A),--and-may-be-based-upon-any~~
31 ~~failure-of-the-portions-of--the--demand--from--which~~
32 ~~relief--is--sought--to-comply-with-the-provisions-of~~
33 ~~this-Section,~~ ~~or-upon-any--constitutional--or--other~~
34 ~~legal--right--or-privilege-of-the-petitioner.~~ ~~During~~

1 the-pendency-of-the-petition,-the-court-may-stay,-as
 2 it-deems-proper,-compliance-with-the-demand-and--the
 3 running-of-the-time-allowed-from-compliance-with-the
 4 demand-

5 (4)--Petition-to-require-performance-by-custodian-of
 6 duties.--At--any--time--during--which-any-custodian-is-in
 7 custody-or-control-of-any-documentary-material-or-answers
 8 to--interrogatories--produced,-or--transcripts--of--oral
 9 testimony-given,-by-any-person--in--compliance--with--any
 10 civil--investigative--demand-issued-under-subsection-(a),
 11 such-person,-and-in-the-case-of-an-express-demand-for-any
 12 product-of-discovery,-the-person-from-whom-such-discovery
 13 was-obtained,-may-file,-in--the--circuit--court--of--the
 14 county--within--which--the--office--of--such-custodian-is
 15 situated,-and-serve-upon-such-custodian,-a--petition--for
 16 an--order-of-such-court-to-require-the-performance-by-the
 17 custodian-of-any-duty-imposed-upon-the-custodian-by--this
 18 Section-

19 (4) (5) Jurisdiction. Whenever any petition is
 20 filed in any circuit court under this subsection (j),
 21 such court shall have jurisdiction to hear and determine
 22 the matter so presented, and to enter such orders as may
 23 be required to carry out the provisions of this Section.
 24 Any final order so entered shall be subject to appeal in
 25 the same manner as appeals of other final orders in civil
 26 matters. Any disobedience of any final order entered
 27 under this Section by any court shall be punished as a
 28 contempt of the court.

29 (k) Disclosure exemption. Any documentary material,
 30 answers to written interrogatories, or oral testimony
 31 provided under any subpoena civil-investigative-demand issued
 32 under subsection (a) shall be exempt from disclosure under
 33 the Illinois Administrative Procedure Act.

34 (Source: P.A. 92-651, eff. 7-11-02.)