

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 investigator conducting
32 the examination shall exclude from the place where the
33 examination is held all persons except the person giving
34 the testimony, the attorney for and any other

1 representative of the person giving the testimony, the
2 attorney for the State, any person who may be agreed upon
3 by the attorney for the State and the person giving the
4 testimony, the officer before whom the testimony is to be
5 taken, and any stenographer taking such testimony.

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

13 (4) Transcript of testimony. When the testimony is
14 fully transcribed, the Attorney General investigator or
15 the officer before whom the testimony is taken shall
16 afford the witness, who may be accompanied by counsel, a
17 reasonable opportunity to review and correct examine-and
18 read the transcript, in accordance with the rules
19 applicable to deposition witnesses in civil cases. Upon
20 payment of reasonable charges, the Attorney General shall
21 furnish a copy of the transcript to the witness, except
22 that the Attorney General may, for good cause, limit the
23 witness to inspection of the official transcript of the
24 witness' testimony. unless-such-examination-and-reading
25 are-waived-by--the--witness;---Any--changes--in--form--or
26 substance--which--the--witness--desires--to-make-shall-be
27 entered-and-identified-upon-the-transcript-by-the-officer
28 or-the-investigator,--with--a--statement--of--the--reasons
29 given--by--the--witness--for--making--such--changes;---The
30 transcript-shall-then-be-signed-by--the--witness,--unless
31 the-witness-in-writing-waives-the-signing,--is-ill,--cannot
32 be--found,--or-refuses-to-sign;---If-the-transcript-is-not
33 signed-by-the-witness-within-30-days-after-being-afforded
34 a-reasonable-opportunity-to-examine-it,--the--officer--of

1 investigator--shall--sign--it--and--state--on--the--record--the
2 fact--of--the--waiver,--illness,--absence--of--the--witness,--or
3 the--refusal--to--sign,--together--with--the--reasons,--if--any,
4 given--therefor.

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

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

21 (5) (7) Conduct of oral testimony.

22 (A) Any person compelled to appear for oral
23 testimony under a subpoena civil---investigative
24 demand issued under subsection (a) may be
25 accompanied, represented, and advised by counsel,
26 who may raise objections based on matters of
27 privilege in accordance with the rules applicable to
28 depositions in civil cases. Counsel--may--advise--such
29 person,--in--confidence,--with--respect--to--any--question
30 asked--of--such--person.---Such--person--or--counsel--may
31 object--on--the--record--to--any--question,--in--whole--or--in
32 part,--and--shall--briefly--state--for--the--record--the
33 reason--for--the--objection.---An--objection--may--be--made,
34 received,--and--entered--upon--the--record--when--it--is

1 ~~claimed-that-such-person-is-entitled--to--refuse--to~~
 2 ~~answer---the---question---on---the--grounds--of--any~~
 3 ~~constitutional-or-other-legal--right--or--privilege,~~
 4 ~~including--the-privilege-against-self-incrimination.~~
 5 If such person refuses to answer any question, a
 6 petition may be filed in circuit court under
 7 subsection (j)(1) for an order compelling such
 8 person to answer such question.

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

14 (6) (8) Witness fees and allowances. Any person
 15 appearing for oral testimony under a subpoena ~~civil~~
 16 investigative-demand issued under subsection (a) shall be
 17 entitled to the same fees and allowances which are paid
 18 to witnesses in the circuit court.

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

20 (1) Designation. The Attorney General or his or her
 21 delegate shall ~~designate-the-Department-of-State-Police~~
 22 to serve as custodian of documentary material, answers to
 23 interrogatories, and transcripts of oral testimony
 24 received under this Section, and ~~shall--designate~~
 25 ~~additional-employees-of-the-Department-of-State-Police-as~~
 26 ~~the-Attorney-General-determines-from-time-to-time--to--be~~
 27 ~~necessary-to-serve-as-deputies-to-the-custodian.~~

28 (2) ~~Responsibility-for-materials;-disclosure.~~

29 (A) ~~An---investigator---who---receives---any~~
 30 ~~documentary-material,-answers-to-interrogatories,-or~~
 31 ~~transcripts-of-oral--testimony--under--this--Section~~
 32 ~~shall--transmit-them-to-the-custodian.-The-custodian~~
 33 ~~shall-take-physical--possession--of--such--material,-~~
 34 ~~answers,-or-transcripts-and-shall-be-responsible-for~~

1 the---use--made--of--them--and--for--the--return--of
2 documentary-material-under-paragraph-(4)-

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

15 (2) (C) Except as otherwise provided in this
16 Section subsection-(i), no documentary material, answers
17 to interrogatories, or transcripts of oral testimony, or
18 copies thereof, while in the possession of the custodian,
19 shall be available for examination by any individual,
20 except as determined necessary by the Attorney General
21 and subject to the conditions imposed by him or her for
22 effective enforcement of the laws of this State, or as
23 otherwise provided by court order. other---than---an
24 investigator-or-other-officer-or-employee-of-the-Attorney
25 General--or--employee--of--the-Department-of-State-Police
26 authorized-under-subparagraph-(B)-.The-prohibition-in-the
27 preceding--sentence--on--the--availability--of--material,
28 answers, or-transcripts-shall-not--apply--if--consent--is
29 given--by-the-person-who-produced-such-material, answers,
30 or-transcripts,--or,--in--the--case--of--any--product--of
31 discovery-produced-pursuant-to-an-express-demand-for-such
32 material,--consent--is--given-by-the-person-from-whom-the
33 discovery-was-obtained.-Nothing-in-this--subparagraph--is
34 intended--to--prevent-disclosure-to-the-General-Assembly,

1 including any committee or subcommittee of the General
2 Assembly, or to any other State agency for use by such
3 agency in furtherance of its statutory responsibilities.
4 Disclosure of information to any such other agency shall
5 be allowed only upon application, made by the Attorney
6 General to a circuit court, showing substantial need for
7 the use of the information by such agency in furtherance
8 of its statutory responsibilities.

9 (D) While in the possession of the custodian
10 and under such reasonable terms and conditions as
11 the Attorney General shall prescribe:

12 (i) documentary material and answers to
13 interrogatories shall be available for
14 examination by the person who produced such
15 material or answers, or by a representative for
16 that person authorized by that person to
17 examine such material and answers; and

18 (ii) transcripts of oral testimony shall
19 be available for examination by the person who
20 produced such testimony, or by a representative
21 of that person authorized by that person to
22 examine such transcripts.

23 (3) Use of material, answers, or transcripts in
24 other proceedings. Whenever any attorney of the office of
25 the Attorney General, or State's Attorney upon a
26 referral, has been designated to appear before any court,
27 grand jury, or State agency in any case or proceeding,
28 the custodian of any documentary material, answers to
29 interrogatories, or transcripts of oral testimony
30 received under this Section may deliver to such attorney
31 such material, answers, or transcripts for official use
32 in connection with any such case or proceeding as such
33 attorney determines to be required. Upon the completion
34 of any such case or proceeding, such attorney shall

1 return-to-the-custodian-any-such--material,--answers,--or
2 transcripts--so--delivered-which-have-not-passed-into-the
3 control-of-such-court,--grand--jury,--or--agency--through
4 introduction-into-the-record-of-such-case-or-proceeding.

5 (3) (4) Conditions for return of material. If any
6 documentary material has been produced by any person in
7 the course of any investigation pursuant to a subpoena
8 civil-investigative-demand under this Section and:

9 (A) any case or proceeding before the court or
10 grand jury arising out of such investigation, or any
11 proceeding before any State agency involving such
12 material, has been completed, or

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

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

27 (5)--Appointment--of--successor--custodians.--In-the
28 event--of--the--death,--disability,--or--separation--from
29 service--in--the--Department--of--State--Police--of--the
30 custodian--of--any--documentary--material,--answers--to
31 interrogatories,--or--transcripts--of--oral--testimony
32 produced--pursuant--to-a-civil-investigative-demand-under
33 this-Section,--or-in-the-event-of-the-official--relief--of
34 such--custodian--from--responsibility-for-the-custody-and

1 control-of-such-material, answers, or transcripts, the
2 Attorney-General shall promptly:

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

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

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

17 (j) Judicial proceedings.

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

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

34 (A) Any person who has received a subpoena

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

15 (i) within 20 days after the date of
16 service of the subpoena ~~eivil--investigative~~
17 demand, or at any time before the return date
18 specified in the subpoena demand, whichever
19 date is earlier, or

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

23 (B) The petition shall specify each ground
24 upon which the petitioner relies in seeking relief
25 under subparagraph (A), and may be based upon any
26 failure of the subpoena demand to comply with the
27 provisions of this Section or upon any
28 constitutional or other legal right or privilege of
29 such person. During the pendency of the petition in
30 the court, the court may stay, as it deems proper,
31 the running of the time allowed for compliance with
32 the subpoena demand, in whole or in part, except
33 that the person filing the petition shall comply
34 with any portion of the subpoena demand not sought

1 to be modified or set aside.

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

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

21 (ii)--within-such-longer-period-as-may--be
22 prescribed---in--writing--by--any--investigator
23 identified-in-the-demand-

24 (B)--The-petition--shall--specify--each--ground
25 upon--which--the-petitioner-relies-in-seeking-relief
26 under-subparagraph-(A),-and-may-be--based--upon--any
27 failure--of--the--portions--of-the-demand-from-which
28 relief-is-sought-to-comply-with--the--provisions--of
29 this--Section,-or--upon-any-constitutional-or-other
30 legal-right-or-privilege-of-the--petitioner.-During
31 the-pendency-of-the-petition,-the-court-may-stay,-as
32 it--deems-proper,-compliance-with-the-demand-and-the
33 running-of-the-time-allowed-from-compliance-with-the
34 demand-

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

15 (4) (5) Jurisdiction. Whenever any petition is
16 filed in any circuit court under this subsection (j),
17 such court shall have jurisdiction to hear and determine
18 the matter so presented, and to enter such orders as may
19 be required to carry out the provisions of this Section.
20 Any final order so entered shall be subject to appeal in
21 the same manner as appeals of other final orders in civil
22 matters. Any disobedience of any final order entered
23 under this Section by any court shall be punished as a
24 contempt of the court.

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

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