

2026 Regular Session

SENATE BILL NO. 336

BY SENATOR LUNEAU

CIVIL PROCEDURE. Provides relative to civil investigative demands. (8/1/26)

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AN ACT

To enact R.S. 46:438.9 and 438.10, relative to civil actions; to provide relative to the Medical Assistance Programs Integrity Law; to provide relative to civil investigative demand, deposition, and subpoena; to provide with respect to conditions and requirements; to provide relative to contempt of court; to provide for terms and definitions; to provide relative to discovery; to provide with respect to written interrogatories and production and inspection of documents and things; to provide relative to civil proceedings and legal delays; to provide with respect to civil procedure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:438.9 and 438.10 are hereby enacted to read as follows:

§438.9. Civil investigative demand

A.(1) When the attorney general has information, evidence or reason to believe that a person or an entity may be in possession, custody, or control of any documentary material, information, or physical evidence relevant to an investigation of a violation of Subpart B of Part VI-A of this Chapter, he may issue to the person or entity a civil investigative demand to require answering

1 under oath and in writing any interrogatories or the production for inspection,
2 copying or reproduction of documentary material, information, or physical
3 evidence before the commencement of a civil proceeding. A civil investigative
4 demand issued pursuant to this Section shall state a general description of the
5 subject matter being investigated. Each investigative demand shall set a return
6 date of not earlier than twenty days after service of the demand upon the
7 person, legal representative, or agent for service of process.

8 (2) A civil investigative demand for answers to written interrogatories
9 shall set forth with specificity the written interrogatories to be answered. A civil
10 investigative demand for the production of documentary material shall describe
11 each class of documentary material to be produced with definiteness and
12 certainty to permit the material to be fairly identified.

13 (3) A civil investigative demand may not contain an unreasonable
14 requirement if contained in a subpoena or subpoena duces tecum issued by a
15 court in a grand jury investigation or require the production of written answers
16 to interrogatories, or the production of documentary material that is privileged
17 from disclosure.

18 (4) The production of documentary material in response to a civil
19 investigative demand served under this Section shall be made under a sworn
20 certificate stating that all of the documentary material required by the demand
21 and in the possession, custody, or control of the person to whom the demand is
22 directed has been produced and made available to the attorney general. If the
23 demand is made on a natural person, the person to whom the demand is
24 directed shall make the certification. If the demand is on a person other than a
25 natural person, a person having knowledge of the facts and circumstances
26 relating to the production of material and authorized to act on behalf of the
27 person shall make the certification.

28 B. A civil investigative demand issued pursuant to this Section may be
29 served by the sheriff or a post-certified investigator employed by the attorney

1 general when the demand is issued to a resident or domestic business entity
2 found in this state. A civil investigative demand issued to a nonresident or a
3 foreign business entity shall be served as provided for in the Code of Civil
4 Procedure.

5 C. Upon failure of the person or business entity to comply with the civil
6 investigative demand, the attorney general may file a motion with a district
7 court of proper jurisdiction to compel compliance with the civil investigative
8 demand. Failure to comply with a court order shall be punishable by contempt
9 of court.

10 D. Except as otherwise provided in this Section, no documentary
11 material, answers to interrogatories, or copies of material or interrogatories,
12 produced pursuant to this Section or information derived therefrom, or
13 transcripts and information derived from investigative depositions conducted
14 pursuant to R.S. 46:438.10 shall be subject to disclosure, discovery, subpoena,
15 or other means of legal compulsion for release by any person or entity except
16 as determined by the attorney general and subject to the imposition of any
17 conditions for effective enforcement of the laws of this state.

18 E. Nothing in this Section shall be construed to prohibit or limit the
19 attorney general from sharing any documentary material, answers to
20 interrogatories, or copies, or information derived therefrom, or transcripts and
21 information derived from investigative depositions conducted pursuant to R.S.
22 46:438.10 with any other state government, the United States government, or
23 any state or federal agency, or any person or entity that assists in the
24 investigation or prosecution involved in the subject matter of the civil
25 investigative demand.

26 F. The attorney general may use documentary material derived from
27 information obtained pursuant to this Section, or copies of the material, in the
28 manner the attorney general determines necessary for the enforcement of the
29 laws of this state, including instituting a civil proceeding with the court.

1 G. The attorney general, upon the written request of a person or entity
2 required to produce documentary material pursuant to this Section, shall
3 destroy or return to the person or entity any material which has not become a
4 part of the record by introduction into evidence in any court, grand jury, or
5 agency proceeding if the case or proceeding has been completed, or proceedings
6 have not been instituted within a reasonable time after analysis of all
7 documentary material and other information produced in the course of the
8 investigation.

9 H. Documentary material, answers to written interrogatories, or oral
10 testimony provided pursuant to a civil investigative demand or investigative
11 deposition are exempt from disclosure under the Public Records Law, R.S. 44:1
12 et seq.

13 I. "Documentary material" as used in this Section includes but is not
14 limited to all electronically stored information including writings, drawings,
15 graphs, charts, photographs, sound recordings, images, and other data or data
16 compilations that are subject to a request for production under Federal Rule of
17 Civil Procedure 34.

18 J. A person who has received a civil investigative demand pursuant to
19 Subsection A of this Section may seek to modify or set aside the demand by
20 filing a petition through ordinary proceedings with the court in the judicial
21 district within which the person resides, is found, or transacts business. If no
22 such jurisdiction exists, the person may file the petition in the Nineteenth
23 Judicial District Court.

24 (1) A petition filed pursuant to this Subsection shall be filed within
25 twenty days after the date of service of the civil investigative demand authorized
26 in accordance with this Section, or at any time before the return date specified
27 in the demand, whichever date is earlier.

28 (2) The petition shall specify each ground upon which the petitioner is
29 seeking relief in accordance with Subsection A of this Section, and may be based

1 upon any failure of the demand to comply with the provisions of this Section or
2 upon any constitutional or other legal right or privilege of the person.

3 (3) During the pendency of proceedings, the court in its discretion may
4 stay the running of the time allowed for compliance with the demand, in whole
5 or in part, except that the person filing the petition shall comply with any
6 portions of the demand not sought to be modified or set aside.

7 §438.10. Investigative deposition

8 A.(1) When the attorney general has information, evidence, or reason to
9 believe that a person or entity has information related to an investigation of a
10 violation of Subpart B of Part VI-A of this Chapter, he may issue an
11 investigative subpoena for deposition testimony to any person or entity that may
12 have information or knowledge relevant to the matter under investigation, or
13 for the purpose of revealing, identifying, or explaining documentary material
14 or other physical evidence sought.

15 (2) The investigative subpoena shall contain a general description of the
16 matter under investigation, and a notice informing the deponent of his right to
17 counsel at the deposition with an opportunity for cross-examination. The
18 deposition shall be conducted at the deponent's principal place of business,
19 place of residence, domicile, or, if agreeable to the deponent, some other place
20 convenient to the attorney general or the deponent and the deponent's attorney
21 or designated lawful representative.

22 (3) The deposition shall be held on a date not earlier than seven days
23 after the date on which demand was received, unless the attorney general
24 determines that exceptional circumstances exist that warrant the
25 commencement of the testimony within a shorter period of time.

26 B. An investigative subpoena issued pursuant to this Section may be
27 served by the sheriff or a post-certified investigator employed by the attorney
28 general when the demand is issued to a resident or domestic business entity
29 found in this state. An investigative subpoena issued to a nonresident or a

1 foreign business entity may be served pursuant to the Code of Civil Procedure.

2 C. When an investigative subpoena is issued to a business entity, the
 3 entity shall designate one or more officers, directors, or managing agents, and
 4 may set forth, for each person designated, the matters on which he is to testify.

5 The person designated shall testify to the matters known or reasonably available
 6 to the organization.

7 D. Upon failure of the person or business entity to comply with the
 8 investigative subpoena, the attorney general may file a motion with a district
 9 court of proper jurisdiction to compel compliance with the investigative
 10 subpoena. Failure to comply with a court order is punishable by contempt of
 11 court.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 336 Engrossed

2026 Regular Session

Luneau

Present law (R.S. 46:437.1) establishes the "Medical Assistance Programs Integrity Law".

Proposed law provides that when the attorney general has information, evidence or reason to believe that a person or an entity may be in possession, custody, or control of any documentary material, information, or physical evidence relevant to an investigation of a violation of present law, he may issue to the person or entity a civil investigative demand to require the answering under oath and in writing of interrogatories or the production for inspection, copying or reproduction of the documentary material, information, or physical evidence before the commencement of a civil proceeding.

Proposed law provides that a civil investigative demand issued pursuant to proposed law shall state a general description of the subject matter being investigated. Each investigative demand shall set a return date of not earlier than 20 days after service of the demand upon the person, legal representative, or agent for service of process.

Proposed law provides that a civil investigative demand for answers to written interrogatories shall set forth with specificity the written interrogatories to be answered. A civil investigative demand for the production of documentary material shall describe each class of documentary material to be produced with definiteness and certainty to permit the material to be fairly identified.

Proposed law provides that a civil investigative demand may not contain a requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court in a grand jury investigation or require the production of written answers to interrogatories, or the production of documentary material that would be privileged from disclosure.

Proposed law provides that the production of documentary material in response to a civil

investigative demand served under this Art. shall be made under a sworn certificate that shall state that all of the documentary material required by the demand and in the possession, custody or control of the person to whom the demand is directed has been produced and made available to the attorney general. Further provides that if the demand is on a natural person, the person to whom the demand is directed shall make the certification.

Proposed law provides that if the demand is on a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person shall make the certification.

Proposed law provides that a civil investigative demand issued pursuant to proposed law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. Further provides that a civil investigative demand issued to a nonresident or a foreign business entity shall be served as provided for in present law Code of Civil Procedure (C.C.P.).

Proposed law provides that upon failure of the person or business entity to comply with the civil investigative demand, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the civil investigative demand. Further provides that failure to comply with a court order shall be punishable by contempt.

Proposed law provides that except as otherwise provided in proposed law, no documentary material, answers to interrogatories, or copies thereof, produced pursuant to proposed law or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to proposed law shall be subject to disclosure, discovery, subpoena or other means of legal compulsion for release by any person or entity except as determined by the attorney general and subject to the imposition of any conditions for effective enforcement of the laws of this state.

Proposed law provides that nothing in proposed law shall be construed to prohibit or limit the attorney general from sharing any documentary material, answers to interrogatories, or copies thereof, or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to proposed law with any other state government, the U.S. government, or any state or federal agency, or any person or entity that assists in the investigation or prosecution of the subject matter of the civil investigative demand.

Proposed law provides that the attorney general may use documentary material derived from information obtained pursuant to proposed law, or copies of the material, in the manner the attorney general determines necessary for the enforcement of the laws of this state, including instituting a civil proceeding with the court.

Proposed law provides that the attorney general, upon the written request of the person or entity required to produce documentary material pursuant to proposed law, shall destroy or return to the person or entity any material which has not become a part of the record by introduction into evidence in any court, grand jury or agency proceeding if the case or proceeding has been completed, or proceedings have not been instituted within a reasonable time after analysis of all documentary material and other information produced in the course of the investigation.

Proposed law provides that documentary material, answers to written interrogatories, or oral testimony provided pursuant to a civil investigative demand or investigative deposition shall be exempt from disclosure under present law (R.S. 44:1 et seq.).

Proposed law defines "documentary material".

Proposed law provides that a person who has received a civil investigative demand pursuant

to proposed law may seek to modify or set aside the demand by filing a petition through ordinary proceedings with the court in the judicial district within which the person resides, is found, or transacts business. If no such jurisdiction exists, the person may file the petition in the 19th JDC.

Proposed law provides that a petition filed pursuant to proposed law shall be filed within 20 days after the date of service of the civil investigative demand authorized in proposed law, or at any time before the return date specified in the demand, whichever date is earlier.

Proposed law provides that the petition shall specify each ground upon which the petitioner is seeking relief in accordance with proposed law, and may be based upon any failure of the demand to comply with the provisions of proposed law or upon any constitutional or other legal right or privilege of the person.

Proposed law provides that during the pendency of the proceedings, the court in its discretion, may stay the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

Proposed law provides that when the attorney general has information, evidence or reason to believe that a person or entity has information related to an investigation of a violation of present law, he may issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, or for the purpose of revealing, identifying, or explaining documentary material or other physical evidence sought.

Proposed law provides that the investigative subpoena shall contain a general description of the matter under investigation, and a notice informing the deponent of his right to counsel at the deposition with opportunity for cross-examination. Further provides that the deposition shall be conducted at the deponent's principal place of business, place of residence, domicile, or, if agreeable to the deponent, some other place convenient to the attorney general or the deponent and the deponent's attorney or designated lawful representative.

Proposed law provides that the deposition shall be held on a date not earlier than seven days after the date on which demand was received, unless the attorney general determines that exceptional circumstances exist that warrant the commencement of the testimony within a shorter period of time.

Proposed law provides that an investigative subpoena issued pursuant to proposed law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. An investigative subpoena issued to a nonresident or a foreign business entity may be served pursuant to present law (C.C.P.).

Proposed law provides that when an investigative subpoena is issued to a business entity, the entity shall designate one or more officers, directors, or managing agents, and may set forth, for each person designated, the matters on which he will testify. Further requires the person designated to testify to the matters known or reasonably available to the organization.

Proposed law provides that upon failure of the person or business entity to comply with the investigative subpoena, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the investigative subpoena. Further provides that failure to comply with a court order is punishable by contempt of court.

Effective August 1, 2026.

(Adds R.S. 46:438.9 and 438.10)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Corrects references to the Subpart from Subpart A to Subpart B.
2. Makes technical changes.