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HOUSE BILL 3160 By
Bunch

SENATE BILL 3087
By Williams, Sen.

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6, Part 4 and Title 47, Chapter 18, Part 1, relative to certain investigations conducted by the office of the attorney general and reporter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-106(a), is amended by deleting subdivision (2) and by substituting instead the following:

(2) Examine under oath any person in connection with the alleged violation, all such examinations to be conducted consistent with the provisions of the Tennessee Rules of Civil Procedure applicable to the taking of depositions.

SECTION 2. Tennessee Code Annotated, Section 47-18-106(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

At any time prior to the return date specified in the division's request for information pursuant to subsection (a), or within thirty (30) days following notice of such a request, whichever is longer, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside

the request. The division and the attorney general shall be served with the petition in the same manner as any lawsuit filed against the division; and the division and the attorney general shall have twenty (20) days to respond to the petition and to make their showing of reasonable grounds before a hearing is held on such petition.

No failure by any person or entity from whom information has been requested to petition for a protective order shall operate to waive any right by that person or entity to seek the protection of a court at a later date; nor shall any such failure operate to waive any constitutional, procedural, substantive, or other right.

The Tennessee Rules of Civil Procedure, particularly provisions applicable to protective orders, shall govern any such petition.

SECTION 3. Tennessee Code Annotated, Section 8-6-405, is amended by adding the following sentence to the end of the section:

However, no assertion of the right not to incriminate one's self may be introduced into evidence or used in any way against any person or entity supplying information pursuant to this chapter or used against such person or entity in any way in any criminal or civil proceeding.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.