

State of California

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Legislative Change No. **03-31**
Bill Number: SB 434 Author: Escutia Chapter Number: 03-876

Laws Affecting Franchise Tax Board: Government Code Sections 11181, 11183, 11184, 11185, 11186, 11187, and 11188.

Date Filed with the Secretary of the State: October 12, 2003

SUBJECT: State Agency Investigations & Hearings

Senate Bill 434 (Escutia), as enacted on October 12, 2003, made the following changes to California law:

Section 11181 of the Government Code is amended.

This act specifies that department heads may divulge information or evidence relating to investigations of unlawful activities discovered from specified documents and other information, including interrogatory answers and defined writings to the Attorney General (AG) or to any prosecuting attorney of other states, or the United States.

Section 11183 of the Government Code is amended.

This act provides that any officer who improperly discloses information or evidence from specified documents and other information is guilty of a misdemeanor and is disqualified from acting in any official capacity in the department.

Section 11184 of the Government Code is amended.

This act requires department heads to follow existing laws and the state and federal constitutions when issuing process and subpoenas. This act also requires subpoenas for oral testimony to reasonably describe the matters to be examined and subpoenaed witnesses must be notified to bring qualified individuals to testify about those matters.

Section 11185 of the Government Code is amended.

This act requires subpoenaed witnesses to designate and produce at the hearing those natural persons most qualified to provide oral testimony at a location determined based on their place of residence or business location, or other location mutually agreed upon.

Bureau Director

Jana Howard for Brian Putler

Date

11/17/03

Section 11186 of the Government Code is amended.

This act provides that the superior court in the county where investigations are conducted or testimony is given or items produced has jurisdiction to compel answers to interrogatories and the production of specified documents and defined writings.

Section 11187 of the Government Code is amended.

This act allows department heads to petition the court for an order to compel witnesses to answer interrogatories, attend and testify, or produce or permit the inspection or copying of papers or defined writings, and set forth procedures related to the petition.

Section 11188 of the Government Code is amended.

This act, upon a department head's request, allows a court to issue any additional order to enforce compliance with a subpoena.

This act is effective January 1, 2004.

This act will not require any reports by the department to the Legislature.