



General Assembly

February Session, 2024

Raised Bill No. 121

LCO No. 1019



Referred to Committee on BANKING

Introduced by:

(BA)

AN ACT CONCERNING THE ATTORNEY GENERAL AND THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-129e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) The Attorney General may bring a civil action in any court of
4 competent jurisdiction to enforce any provision of the Dodd-Frank Wall
5 Street Reform and Consumer Protection Act, Public Law 111-203, as
6 amended from time to time, that a state attorney general is authorized
7 by said act to enforce and to seek any relief that a state attorney general
8 is authorized by said act to seek.

9 (b) (1) Whenever during the course of an investigation the Attorney
10 General has reason to believe that any person has violated any provision
11 of the Dodd-Frank Wall Street Reform and Consumer Protection Act,
12 Public Law 111-203, as amended from time to time, that a state attorney
13 general is authorized by said act to enforce, within this state, the
14 Attorney General may, prior to instituting any action or proceeding

15 against such person, issue in writing and cause to be served upon any
16 person in or outside the state, by subpoena or subpoena duces tecum, a
17 demand requiring such person to (A) submit to the Attorney General
18 any documentary material, (B) appear before the Attorney General and
19 give testimony in or outside the state, or (C) respond to written
20 interrogatories as to any matters relevant to the scope of the alleged
21 violation.

22 (2) Any subpoena for documentary material issued under this
23 subsection shall (A) state the nature of the alleged violation, (B) describe
24 the class or classes of documentary material to be produced thereunder
25 with such definiteness and certainty as to be accurately defined, and (C)
26 prescribe a date that would allow a reasonable time to respond. All
27 testimony taken in accordance with subparagraph (B) of subdivision (1)
28 of this subsection shall be under oath and a written transcript shall be
29 made of the same, a copy of which shall be furnished to such person
30 appearing, and shall not be available for public disclosure. All written
31 interrogatories shall prescribe a return date that would allow a
32 reasonable time to respond, which responses shall be under oath and
33 not be available for public disclosure. No subpoena issued under this
34 subsection shall require the submission of that portion of any
35 documentary material, testimony or responses to interrogatories that
36 would be privileged or precluded from disclosure if demanded in a
37 grand jury investigation.

38 (3) Service of subpoenas ad testificandum, subpoenas duces tecum,
39 notices of deposition and written interrogatories, as provided in this
40 subsection, may be made (A) by personal service or service at the usual
41 place of abode, or (B) by registered or certified mail, return receipt
42 requested, a duly executed copy thereof addressed to the person to be
43 served at such person's principal place of business in this state or at the
44 place of such person's registered agent in this state, or, if such person
45 has no principal place of business in this state or registered agent in this
46 state, at such person's principal office or such person's residence.

47 (4) All documentary material and responses to interrogatories

48 furnished to, and all transcripts of testimony taken by, the Attorney
49 General pursuant to a subpoena issued under this subsection or
50 voluntarily, and all information obtained, collected or prepared in
51 connection with an investigation conducted pursuant to this subsection,
52 including the identity of the person furnishing such documentary
53 material, responses or transcripts, shall be held in the custody of the
54 Attorney General, and shall not be available to the public or be subject
55 to inspection or disclosure under the Freedom of Information Act, as
56 defined in section 1-200. Any documentary material furnished to the
57 Attorney General shall be returned to the person that furnished such
58 documentary material, or erased if such documentary material was
59 furnished in electronic format, upon the termination of the Attorney
60 General's investigation or final determination of any action or
61 proceeding commenced thereunder. Except as prohibited by applicable
62 court order, nothing in this subsection shall prohibit a person upon
63 whom a subpoena has been served from disclosing the existence of such
64 subpoena or any information such person furnishes in response to such
65 subpoena.

66 (5) Notwithstanding the prohibition against public disclosure of
67 documentary material and other information provided in this
68 subsection, any confidential material may be used by the Attorney
69 General in connection with the taking of oral testimony conducted
70 pursuant to this subsection when the Attorney General reasonably
71 determines that it is necessary to disclose such confidential material to
72 a person providing oral testimony in order to adduce evidence of a
73 suspected violation of a provision of the Dodd-Frank Wall Street Reform
74 and Consumer Protection Act, Public Law 111-203, as amended from
75 time to time, that a state attorney general is authorized by said act to
76 enforce, and the Attorney General reasonably believes that the person
77 providing any such oral testimony (A) is an author or recipient of such
78 confidential material, (B) has read such confidential material, or (C) is
79 otherwise aware of the substance of such confidential material. No copy
80 or original of the confidential material described or shown to a person
81 providing oral testimony pursuant to this subsection shall be retained

82 by such person.

83 (6) The Attorney General may, without waiving any privilege,
84 disclose any confidential material for any appropriate supervisory,
85 governmental, law enforcement or other public purpose, including, but
86 not limited to, a civil action brought pursuant to subsection (a) of this
87 section, and may cooperate with officials of the federal government, the
88 state and other states by, among other things, sharing and disclosing
89 information and evidence obtained pursuant to a subpoena issued
90 under this subsection. Any such disclosure shall be made under
91 safeguards designed to prevent further dissemination of such
92 confidential material. In any proceeding before a court, the court may
93 issue a protective order in appropriate circumstances to protect the
94 confidentiality of any such confidential material and order that any such
95 confidential material on file with the court or filed in connection with
96 the court proceeding be sealed and that the public be excluded from any
97 portion of the proceeding at which any such confidential material is
98 disclosed.

99 (7) In the event any person refuses to comply with, or otherwise fails
100 to comply with, a subpoena served in accordance with the provisions of
101 this subsection, the Attorney General may apply to the superior court
102 for the judicial district of Hartford for an order (A) compelling such
103 person to comply with such subpoena, which court may, upon notice to
104 such person, issue such order, which shall be served upon such person,
105 and (B) requiring such person to pay to the state a civil penalty in an
106 amount not to exceed ten thousand dollars, which court may, after
107 notice to such person and a hearing thereon, issue such order.

108 (8) Nothing in this section shall be construed to limit the authority of
109 the Banking Commissioner to enforce the Dodd-Frank Wall Street
110 Reform and Consumer Protection Act, Public Law 111-203, as amended
111 from time to time, or any other state or federal law or regulation.

112 (9) For purposes of this subsection, (A) "confidential material" means
113 documentary material, responses to interrogatories or written

114 transcripts of oral testimony, or copies thereof, or other information
115 produced pursuant to a subpoena issued under this subsection, and (B)
116 "documentary material" includes, but is not limited to, any information
117 in a written, recorded or electronic form.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2024</i>	3-129e
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Statement of Purpose:

To establish procedures for the Attorney General to enforce the Dodd-Frank Wall Street Reform and Consumer Protection Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]