



SPONSOR: Sen. Gay & Sen. Townsend & Rep. Griffith
Sen. Sokola; Rep. Baumbach

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 295

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ATTORNEY GENERAL ACCESS TO STATE DOCUMENTS.

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

1 Section 1. Amend Chapter 25, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2508. Power to administer oaths and affirmations; compelling attendance of persons and witnesses; delivery of
4 witness lists.

5 (b) The Attorney General shall have the right of access at all times to the books, papers, records and other
6 documents of any officer, department, board, agency, instrumentality or commission of the state government. The Attorney
7 General shall not have this right of access for purposes of discovery in any civil actions brought by or on the relation of the
8 Attorney General other than for the books, papers, records, and documents of the Department of Justice.

SYNOPSIS

This Act clarifies that the Attorney General's right of access under Title 29, Section 2508(b) to the books, papers, records, and other documents of the State does not apply for purposes of discovery in any civil litigation brought by or on the relation of the Attorney General, except for the Department of Justice's own documents. This Act is intended to ensure that state agencies, departments, boards, officers, instrumentalities, and commissions will have the discovery protections afforded to non-parties in such litigation by applicable rules of civil procedure or state or federal law.

Author: Senator Gay