

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1928

By: Kannady

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; creating the
8 Uniform Interstate Depositions and Discovery Act;
9 defining terms; providing procedure for issuance of
10 subpoenas; providing for service of subpoena;
11 providing for compliance with subpoena; providing for
12 application to the court; providing for uniformity of
13 application and construction; providing for
14 application to pending actions; providing for
15 codification; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3232.1 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 SHORT TITLE. This act shall be known and may be cited as the
21 "Uniform Interstate Depositions and Discovery Act".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3232.2 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

DEFINITIONS. As used in the Uniform Interstate Depositions and
Discovery Act:

1 1. "Foreign jurisdiction" means a state other than this state.

2 2. "Foreign subpoena" means a subpoena issued under authority
3 of a court of record of a foreign jurisdiction.

4 3. "Person" means an individual, corporation, business trust,
5 estate, trust, partnership, limited liability company, association,
6 joint venture, public corporation, government, or governmental
7 subdivision, agency or instrumentality, or any other legal or
8 commercial entity.

9 4. "State" means a state of the United States, the District of
10 Columbia, Puerto Rico, the United States Virgin Islands, a federally
11 recognized Indian tribe, or any territory or insular possession
12 subject to the jurisdiction of the United States.

13 5. "Subpoena" means a document, however denominated, issued
14 under authority of a court of record requiring a person to:

15 a. attend and give testimony at a deposition;

16 b. produce and permit inspection and copying of
17 designated books, documents, records, electronically
18 stored information, or tangible things in the
19 possession, custody, or control of the person; or

20 c. permit inspection of premises under the control of the
21 person.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3232.3 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

1 ISSUANCE OF SUBPOENA.

2 A. To request issuance of a subpoena under this section, a
3 party must submit a foreign subpoena to the court clerk in the
4 county in which discovery is sought to be conducted in this state.

5 A request for the issuance of a subpoena under the Uniform
6 Interstate Depositions and Discovery Act does not constitute an
7 appearance in the courts of this state.

8 B. When a party submits a foreign subpoena to a court clerk in
9 this state, the clerk, in accordance with that court's procedure,
10 shall promptly issue a subpoena for service upon the person to which
11 the foreign subpoena is directed.

12 C. A subpoena under subsection B of this section must:

- 13 1. Incorporate the terms used in the foreign subpoena; and
14 2. Contain or be accompanied by the names, addresses, and
15 telephone numbers of all counsel of record in the proceeding to
16 which the subpoena relates and of any party not represented by
17 counsel.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3232.4 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 SERVICE OF SUBPOENA. A subpoena issued by a court clerk
22 pursuant to Section 3 of this act must be served in compliance with
23 subsection B of Section 2004.1 of Title 12 of the Oklahoma Statutes.
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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3232.5 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 DEPOSITION, PRODUCTION, AND INSPECTION. Subsections D and E of
5 Section 2004.1 of Title 12 of the Oklahoma Statutes applies to
6 compliance with subpoenas issued under Section 3 of this act.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3232.6 of Title 12, unless there
9 is created a duplication in numbering, reads as follows:

10 APPLICATION TO COURT. An application to the court for a
11 protective order or to enforce, quash, or modify a subpoena issued
12 by a clerk of court under Section 3 of this act must comply with the
13 rules or statutes of this state and be submitted to the court in the
14 county in which discovery is to be conducted.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3232.7 of Title 12, unless there
17 is created a duplication in numbering, reads as follows:

18 UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and
19 construing the Uniform Interstate Depositions and Discovery Act,
20 consideration must be given to the need to promote uniformity of the
21 law with respect to its subject matter among states that enact it.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3232.8 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

1 APPLICATION TO PENDING ACTIONS. The Uniform Interstate
2 Depositions and Discovery Act applies to requests for discovery in
3 cases pending on and after November 1, 2017.

4 SECTION 9. This act shall become effective November 1, 2017.

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6 56-1-5276 SD 01/08/17

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