

1 **SENATE FLOOR VERSION**

2 February 6, 2018

3 **AS AMENDED**

4 SENATE BILL NO. 1299

5 By: Sparks

6
7 **[Oklahoma Discovery Code - production of documents**
8 **and things and entry upon land for inspection -**
9 **repealer -**

10 **emergency]**

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

12 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3234, as
13 amended by Section 4, Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2017,
14 Section 3234), is amended to read as follows:

15 Section 3234. A. IN GENERAL. A party may serve on any other
16 party a request within the scope of Section 3226 of this title:

17 1. To produce and permit the requesting party or its
18 representative to inspect, copy, test or sample the following items
19 in the possession, custody or control of the responding party:

- 20 a. any designated documents or electronically stored
21 information - including writings, drawings, graphs,
22 charts, photographs, sound recordings, images and
23 other data or data compilations - stored in any medium
24 from which information can be obtained either directly

1 or, if necessary, after translation by the responding
2 party into a reasonably usable form, or

3 b. any designated tangible things; or

4 2. To permit entry onto designated land or other property
5 possessed or controlled by the responding party so that the
6 requesting party may inspect, measure, survey, photograph, test or
7 sample the property or any designated object or operation on it.

8 B. PROCEDURE. 1. The request described in subsection A of
9 this section may be served, without leave of court, upon any party
10 after the filing of an answer. Upon leave of court or otherwise
11 agreed to in writing by the parties subject to Section 3229 of this
12 title, the request may be served and responded to prior to the
13 filing of an answer.

14 2. The request:

- 15 a. shall describe with reasonable particularity each item
16 or category of items to be inspected,
17 b. shall specify a reasonable time, place and manner for
18 the inspection and for performing the related acts,
19 and
20 c. may specify the form or forms in which electronically
21 stored information is to be produced.

22 ~~2.~~

- 1 3. a. The party to whom the request is directed shall
2 respond in writing within thirty (30) days after being
3 served.
- 4 b. For each item or category, the response shall either
5 state that inspection and related activities will be
6 permitted as requested or state with specificity the
7 grounds for objecting to the request, including the
8 reasons. The responding party may state that it will
9 produce copies of documents or of electronically
10 stored information instead of permitting inspection.
11 The production shall be completed no later than the
12 time for inspection specified in the request, or
13 another reasonable time specified in the response.
- 14 c. An objection shall state whether any responsive
15 materials are being withheld on the basis of that
16 objection. An objection to part of a request shall
17 specify the part and permit inspection of the rest.
- 18 d. The response may state an objection to a requested
19 form for producing electronically stored information.
20 If the responding party objects to a requested form,
21 or if no form was specified in the request, the party
22 shall state the form or forms it intends to use.
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1 e. Unless otherwise stipulated or ordered by the court,
2 these procedures apply to producing documents or
3 electronically stored information:

4 (1) a party shall produce documents as they are kept
5 in the usual course of business or shall organize
6 and label them to correspond to the categories in
7 the request,

8 (2) if a request does not specify a form for
9 producing electronically stored information, a
10 party shall produce it in a form or forms in
11 which it is ordinarily maintained or in a
12 reasonably usable form or forms, and

13 (3) a party need not produce the same electronically
14 stored information in more than one form.

15 C. NONPARTIES. A nonparty may be compelled to produce
16 documents and tangible things or to permit an inspection as provided
17 in Section 2004.1 of this title.

18 SECTION 2. REPEALER 12 O.S. 2011, Section 3234, as
19 amended by Section 6, Chapter 389, O.S.L. 2017 (12 O.S. Supp. 2017,
20 Section 3234), is hereby repealed.

21 ~~SECTION 3. It being immediately necessary for the preservation~~
22 ~~of the public peace, health or safety, an emergency is hereby~~

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
4 February 6, 2018 - DO PASS AS AMENDED
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