

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1299

By: Sparks

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Discovery Code;  
8 amending 12 O.S. 2011, Section 3234, as amended by  
9 Section 4, Chapter 378, O.S.L. 2017 (12 O.S. Supp.  
10 2017, Section 3234), which relates to production of  
11 documents and things and entry upon land for  
12 inspection; modifying procedures for certain service  
13 and response; repealing 12 O.S. 2011, Section 3234,  
14 as amended by Section 6, Chapter 389, O.S.L. 2017 (12  
15 O.S. Supp. 2017, Section 3234), which relates to  
16 production of documents and things and entry upon  
17 land for inspection; and declaring an emergency.

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

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

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

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

1 a. any designated documents or electronically stored  
2 information - including writings, drawings, graphs,  
3 charts, photographs, sound recordings, images and  
4 other data or data compilations - stored in any medium  
5 from which information can be obtained either directly  
6 or, if necessary, after translation by the responding  
7 party into a reasonably usable form, or

8 b. any designated tangible things; or

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

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

19 2. The request:

20 a. shall describe with reasonable particularity each item  
21 or category of items to be inspected,

22 b. shall specify a reasonable time, place and manner for  
23 the inspection and for performing the related acts,  
24 and

1 c. may specify the form or forms in which electronically  
2 stored information is to be produced.

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4 3. a. The party to whom the request is directed shall  
5 respond in writing within thirty (30) days after being  
6 served.

7 b. For each item or category, the response shall either  
8 state that inspection and related activities will be  
9 permitted as requested or state with specificity the  
10 grounds for objecting to the request, including the  
11 reasons. The responding party may state that it will  
12 produce copies of documents or of electronically  
13 stored information instead of permitting inspection.  
14 The production shall be completed no later than the  
15 time for inspection specified in the request, or  
16 another reasonable time specified in the response.

17 c. An objection shall state whether any responsive  
18 materials are being withheld on the basis of that  
19 objection. An objection to part of a request shall  
20 specify the part and permit inspection of the rest.

21 d. The response may state an objection to a requested  
22 form for producing electronically stored information.  
23 If the responding party objects to a requested form,  
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1 or if no form was specified in the request, the party  
2 shall state the form or forms it intends to use.

3 e. Unless otherwise stipulated or ordered by the court,  
4 these procedures apply to producing documents or  
5 electronically stored information:

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

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

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

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

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

23 SECTION 3. It being immediately necessary for the preservation  
24 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.

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