

1 STATE OF OKLAHOMA

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

3 SENATE BILL 368

By: Holt

6 AS INTRODUCED

7 An Act relating to interstate discovery; creating the
8 Uniform Interstate Depositions and Discovery Act;
9 providing short title; defining terms; establishing
10 procedures for issuance of certain subpoenas;
11 clarifying applicability of certain rules and
12 statutes; construing provisions; providing for
13 applicability of act; providing for codification; and
14 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3237.1 of Title 12, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the Uniform
18 Interstate Depositions and Discovery Act.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3237.2 of Title 12, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "Foreign jurisdiction" means a state other than this state;
24

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

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

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

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

14 a. attend and give testimony at a deposition,

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

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

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3237.3 of Title 12, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. To request issuance of a subpoena under this section, a
2 party shall submit a foreign subpoena to a clerk of court in the
3 county in which discovery is sought to be conducted in this state.
4 A request for the issuance of a subpoena under this act does not
5 constitute an appearance in the courts of this state.

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

10 C. A subpoena under subsection B of this section shall:

11 1. Incorporate the terms used in the foreign subpoena; and

12 2. Contain or be accompanied by the names, addresses and
13 telephone numbers of all counsel of record in the proceeding to
14 which the subpoena relates and of any party not represented by
15 counsel.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3237.4 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

19 A subpoena issued by a clerk of court under Section 3 of this
20 act shall be served in compliance with applicable rules or statutes
21 of this state for service of subpoena.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3237.5 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

1 Rules or statutes of this state applicable to compliance with
2 subpoenas to attend and give testimony, produce designated books,
3 documents, records, electronically-stored information or tangible
4 things, or permit inspection of premises shall apply to subpoenas
5 issued under Section 3 of this act.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3237.6 of Title 12, unless there
8 is created a duplication in numbering, reads as follows:

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

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3237.7 of Title 12, unless there
16 is created a duplication in numbering, reads as follows:

17 In applying and construing this uniform act, consideration shall
18 be given to the need to promote uniformity of the law with respect
19 to its subject matter among states that enact it.

20 SECTION 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3237.8 of Title 12, unless there
22 is created a duplication in numbering, reads as follows:

23 This act applies to requests for discovery in cases pending on
24 the effective date of this act.

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

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