

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2229

By: Moore of the House

5 and

6 **Howard** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to civil procedure; creating the
11 Uniform Interstate Depositions and Discovery Act;
12 defining terms; creating procedures for issuing
13 subpoena; providing for service; requiring compliance
14 with subpoena; providing for application to court;
15 providing uniform application; setting application
16 date; providing for codification; and providing an
17 effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3250 of Title 12, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the Uniform
23 Interstate Depositions and Discovery Act.
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3251 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

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

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

8 3. "Person" means an individual, corporation, business trust,
9 estate, trust, partnership, limited liability company, association,
10 joint venture, public corporation, government, or governmental
11 subdivision, agency or instrumentality, or any other legal or
12 commercial entity;

13 4. "State" means a state of the United States, the District of
14 Columbia, Puerto Rico, the United States Virgin Islands, a federally
15 recognized Indian tribe or any territory or insular possession
16 subject to the jurisdiction of the United States; and

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

19 a. attend and give testimony at a deposition,

20 b. produce and permit inspection and copying of
21 designated books, documents, records, electronically
22 stored information or tangible things in the
23 possession, custody or control of the person, or
24

1 c. permit inspection of premises under the control of the
2 person.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3252 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. To request issuance of a subpoena under this section, a
7 party must submit a foreign subpoena to a clerk of court in the
8 county in which discovery is sought to be conducted in this state.
9 A request for the issuance of a subpoena under this act does not
10 constitute an appearance in the courts of this state.

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

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

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

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3253 of Title 12, unless there
23 is created a duplication in numbering, reads as follows:

1 A subpoena issued by a clerk of court under Section 3 of this
2 act must be served in compliance with subsection B of Section 2004.1
3 of Title 12 of the Oklahoma Statutes.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3254 of Title 12, unless there
6 is created a duplication in numbering, reads as follows:

7 Subsection D of Section 2004.1 of Title 12 of the Oklahoma
8 Statutes shall apply to subpoenas issued under Section 3 of this
9 act.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3255 of Title 12, unless there
12 is created a duplication in numbering, reads as follows:

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

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3256 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 In applying and construing this uniform act, consideration must
22 be given to the need to promote uniformity of the law with respect
23 to its subject matter among states that enact it.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3257 of Title 12, unless there
3 is created a duplication in numbering, reads as follows:

4 This act applies to requests for discovery in cases pending on
5 November 1, 2021.

6 SECTION 9. This act shall become effective November 1, 2021.

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8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
9 02/16/2021 - DO PASS, As Coauthored.

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