

1 **SENATE FLOOR VERSION**

2 April 6, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2229

By: Moore of the House

5 and

6 Howard of the Senate

7
8 An Act relating to civil procedure; creating the
9 Uniform Interstate Depositions and Discovery Act;
10 defining terms; creating procedures for issuing
11 subpoena; providing for service; requiring compliance
12 with subpoena; providing for application to court;
13 providing uniform application; setting application
14 date; providing for codification; and providing an
15 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 3250 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the Uniform
21 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 3251 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

As used in this act:

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

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 federally
10 recognized Indian tribe or any territory or insular possession
11 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 3252 of Title 12, unless there
23 is created a duplication in numbering, reads as follows:

1 A. To request issuance of a subpoena under this section, a
2 party must 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 must:

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 3253 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 must be served in compliance with subsection B of Section 2004.1
21 of Title 12 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

23

24

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
April 6, 2021 - DO PASS