



General Assembly

February Session, 2012

Substitute Bill No. 5331

* _____ HB05331JUD __ 032712 _____ *

AN ACT CONCERNING THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2013*) Sections 1 to 6, inclusive,
2 of this act, may be cited as the "Uniform Interstate Depositions and
3 Discovery Act".

4 Sec. 2. (NEW) (*Effective January 1, 2013*) As used in this section and
5 sections 3 to 6, inclusive, of this act:

6 (1) "Foreign jurisdiction" means a state other than the state of
7 Connecticut;

8 (2) "Foreign subpoena" means a subpoena issued under authority of
9 a court of record of a foreign jurisdiction;

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

14 (4) "State" means a state of the United States, the District of
15 Columbia, Puerto Rico, the United States Virgin Islands, or any
16 territory or insular possession subject to the jurisdiction of the United
17 States; and

18 (5) "Subpoena" means a document, however denominated, issued
19 under authority of a court of record requiring a person to: (A) Attend
20 and give testimony at a deposition; (B) produce and permit inspection
21 and copying of designated books, documents, records, electronically
22 stored information or tangible things in the possession, custody or
23 control of the person; or (C) permit inspection of premises under the
24 control of the person.

25 Sec. 3. (NEW) (*Effective January 1, 2013*) (a) To request issuance of a
26 subpoena under this section, a party shall submit a foreign subpoena
27 to a clerk of a court in the judicial or probate district, as the case may
28 be, in which discovery is sought to be conducted in this state. A
29 request for the issuance of a subpoena under this section does not
30 constitute an appearance in the courts of this state.

31 (b) When a party submits a foreign subpoena to a clerk of a court in
32 this state, the clerk, in accordance with such court's procedure, shall
33 promptly issue a subpoena for service upon the person to which the
34 foreign subpoena is directed.

35 (c) A subpoena issued under subsection (b) of this section shall: (1)
36 Incorporate the terms used in the foreign subpoena; and (2) contain or
37 be accompanied by the names, addresses and telephone numbers of all
38 counsel of record in the proceeding to which the subpoena relates and
39 of any party not represented by counsel.

40 (d) A subpoena issued by a clerk of a court pursuant to this section
41 shall comply with the requirements of section 52-148e of the general
42 statutes.

43 Sec. 4. (NEW) (*Effective January 1, 2013*) The provisions of sections
44 52-148a to 52-152, inclusive, of the general statutes and sections 52-156
45 to 52-158, inclusive, of the general statutes shall apply to subpoenas
46 issued under section 3 of this act.

47 Sec. 5. (NEW) (*Effective January 1, 2013*) An application to the court
48 for a protective order or to enforce, quash or modify a subpoena issued

49 by a clerk of a court, under section 3 of this act, shall comply with the
50 rules of court and the general statutes of this state and shall be
51 submitted to the court in the judicial or probate district, as the case
52 may be, in which discovery is to be conducted in this state.

53 Sec. 6. (NEW) (*Effective January 1, 2013*) In applying and construing
54 the provisions of the Uniform Interstate Depositions and Discovery
55 Act, consideration shall be given to the need to promote uniformity of
56 the law with respect to its subject matter among the states that enact
57 such uniform provisions.

58 Sec. 7. Section 52-155 of the general statutes is repealed. (*Effective*
59 *January 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	New section
Sec. 2	<i>January 1, 2013</i>	New section
Sec. 3	<i>January 1, 2013</i>	New section
Sec. 4	<i>January 1, 2013</i>	New section
Sec. 5	<i>January 1, 2013</i>	New section
Sec. 6	<i>January 1, 2013</i>	New section
Sec. 7	<i>January 1, 2013</i>	Repealer section

Statement of Legislative Commissioners:

In section 3(a), the phrase "of a court" was added after "clerk" for consistency of reference throughout the section. In section 3(d) "comply with the requirements of" was substituted for "be in compliance with" for clarity.

JUD *Joint Favorable Subst.-LCO*