
OLR Bill Analysis**sHB 5331*****AN ACT CONCERNING THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT.*****SUMMARY:**

This bill enacts the Uniform Interstate Depositions and Discovery Act, which provides a process for a Connecticut court or probate court clerk to (1) receive a subpoena from another U.S. jurisdiction and (2) issue a Connecticut subpoena for discovery in the state. Generally, discovery is the process parties use to obtain information about a case, such as taking depositions, before a trial.

The bill eliminates the authority of judges, justices of the peace, notaries public, and Superior Court commissioners (Connecticut licensed attorneys) to receive a request from another jurisdiction and issue a subpoena to take testimony in Connecticut. It also eliminates a provision that an officer taking a witness' deposition believe that the witness was duly summoned and all fees paid before the witness can be compelled to appear.

EFFECTIVE DATE: January 1, 2013

FOREIGN SUBPOENAS

The bill applies to subpoenas from any U.S. state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and any U.S. territory or insular possession.

Under the bill, a subpoena is a document that requires a "person" to do certain things. A "person" is an individual, business entity, estate, government entity, public corporation, or other legal or commercial entity. The subpoena must be issued under a court's authority and require a person to (1) attend and give testimony at a deposition; (2) produce and permit inspection and copying of designated books, document, records, electronic information, or tangible things the

person possesses or has control or custody over; or (3) permit inspection of premises under the person's control.

ISSUING CONNECTICUT SUBPOENAS

The bill requires a party to submit a foreign subpoena to the court or probate court clerk in the district where discovery is sought. The bill requires the clerk to follow court procedures and promptly issue a subpoena to serve on the person who is the subject of the subpoena from the other jurisdiction.

The bill requires the subpoena to (1) include the terms used in the other jurisdiction's subpoena and (2) contain or be accompanied by the names, addresses, and phone numbers of all counsel of record and unrepresented parties in the other jurisdiction's proceeding.

The laws that generally apply to subpoenas and depositions in Connecticut also apply under the bill, including imprisoning someone who refuses to appear and testify.

Applications for a protective order or to enforce, quash, or modify a subpoena under the bill must (1) comply with statutes and court rules and (2) be submitted to the court in the district where discovery is to be conducted.

The bill specifies that a request for a subpoena under its provisions is not an appearance for jurisdictional purposes.

PROMOTING UNIFORMITY

The bill requires consideration of the need to promote uniformity among states enacting this uniform act when applying and construing its provisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/26/2012)