

JAN 20 2012

A BILL FOR AN ACT

RELATING TO THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

6 § -1 Short title. This chapter may be cited as the
7 Uniform Interstate Depositions and Discovery Act.

8 § -2 Definitions. In this chapter:

9 "Foreign jurisdiction" means a state other than this State.

10 "Foreign subpoena" means a subpoena issued under authority
11 of a court of record of a foreign jurisdiction.

12 "Person" means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company,
14 association, joint venture, public corporation, government or
15 governmental subdivision, agency or instrumentality, or any
16 other legal or commercial entity.



1 "State" means a state of the United States, the District of
2 Columbia, Puerto Rico, the United States Virgin Islands, a
3 federally recognized Indian tribe, or any territory or insular
4 possession subject to the jurisdiction of the United States.

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

- 7 (1) Attend and give testimony at a deposition;
- 8 (2) Produce and permit inspection and copying of
9 designated books, documents, records, electronically
10 stored information, or tangible things in the
11 possession, custody, or control of the person; or
- 12 (3) Permit inspection of premises under the control of the
13 person.

14 § -3 Issuance of subpoena. (a) To request issuance of
15 a subpoena under this section, a party shall submit a foreign
16 subpoena to a clerk of court in the circuit in which discovery
17 is sought to be conducted in this State. A request for the
18 issuance of a subpoena under this chapter does not constitute an
19 appearance in the courts of this State.

20 (b) When a party submits a foreign subpoena to a clerk of
21 court in this State, the clerk, in accordance with that court's



1 procedure, shall promptly issue a subpoena for service upon the
2 person to which the foreign subpoena is directed.

3 (c) A subpoena under subsection (b) shall:

4 (1) Incorporate the terms used in the foreign subpoena;
5 and

6 (2) Contain or be accompanied by the names, addresses, and
7 telephone numbers of all counsel of record in the
8 proceeding to which the subpoena relates and of any
9 party not represented by counsel.

10 § -4 **Service of subpoena.** A subpoena issued by a clerk
11 of court under section -3 shall be served in compliance with
12 rule 45(c) of the Hawaii rules of civil procedure.

13 § -5 **Deposition, production, and inspection.** Rules 26,
14 27, 28, 29, 30, 31, 34(c), and 45 of the Hawaii rules of civil
15 procedure shall apply to subpoenas issued under section -3.

16 § -6 **Application to court.** A motion to the court for a
17 protective order or to enforce, quash, or modify a subpoena
18 issued by a clerk of court under section -3 shall comply with
19 the rules of court and statutes of this State and be submitted
20 to the court in the circuit in which discovery is to be
21 conducted.



1 § -7 Application to pending actions. This chapter
2 applies to requests for discovery in cases pending on the
3 effective date of this chapter."

4 SECTION 2. This Act shall take effect upon its approval.

5

INTRODUCED BY: *Am. Hee*

S.B. NO. 2497

Report Title:

Uniform Interstate Depositions and Discovery Act

Description:

Enacts the Uniform Interstate Depositions and Discovery Act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

