

House Bill 917

By: Representatives Jacobs of the 80th, Lindsey of the 54th, Willard of the 49th, Powell of the 171st, Collins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 24 of the Official Code of Georgia Annotated, relating to
2 securing attendance of witnesses and production and preservation of evidence, so as to repeal
3 the "Uniform Foreign Depositions Act" and to replace such Act with the "Uniform Interstate
4 Depositions and Discovery Act"; to provide for a short title; to provide for definitions; to
5 provide for issuance and service of subpoenas; to provide for depositions and production and
6 inspection of documents and tangible evidence; to provide for protective orders; to provide
7 for application and construction; to provide for related matters; to provide for an effective
8 date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 10 of Title 24 of the Official Code of Georgia Annotated, relating to securing
12 attendance of witnesses and production and preservation of evidence, is amended by
13 repealing Article 6, the "Uniform Foreign Depositions Act," and enacting a new Article 6 to
14 read as follows:

15 style="text-align:center">"ARTICLE 6

16 24-10-110.

17 This article shall be known and may be cited as the 'Uniform Interstate Depositions and
18 Discovery Act.'

19 24-10-111.

20 As used in this article, the term:

21 (1) 'Foreign jurisdiction' means a state other than this state.

22 (2) 'Foreign subpoena' means a subpoena issued under authority of a court of record of
23 a foreign jurisdiction.

24 (3) 'Person' means an individual, corporation, business trust, estate, trust, partnership,
25 limited liability company, association, joint venture, public corporation, government or
26 governmental subdivision, agency, or instrumentality, or any other legal or commercial
27 entity.

28 (4) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
29 United States Virgin Islands, a federally recognized Native American tribe, or any
30 territory or insular possession subject to the jurisdiction of the United States.

31 (5) 'Subpoena' means a document, however denominated, issued under authority of a
32 court of record requiring a person to:

33 (A) Attend and give testimony at a deposition;

34 (B) Produce and permit inspection and copying of designated books, documents,
35 records, electronically stored information, or tangible things in the possession, custody,
36 or control of such person; or

37 (C) Permit inspection of premises under the control of such person.

38 24-10-112.

39 (a) To request issuance of a subpoena under this Code section, a party shall submit a
40 foreign subpoena to a clerk of court in the county in which discovery is sought to be
41 conducted in this state. A request for the issuance of a subpoena under this Code section
42 shall not constitute an appearance in the courts of this state.

43 (b) When a party submits a foreign subpoena to a clerk of court in this state, the clerk shall
44 promptly issue a subpoena for service upon the person to which the foreign subpoena is
45 directed.

46 (c) A subpoena under subsection (b) of this Code section shall:

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

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

51 24-10-113.

52 In addition to the mechanism for issuing subpoenas provided for in Code
53 Section 24-10-112, whenever any mandate, writ, or commission is issued out of any court
54 of record in a foreign jurisdiction, or whenever upon notice or agreement it is required to
55 take the testimony of a witness or witnesses in this state, witnesses may be compelled to
56 appear and testify in the same manner and by the same process and proceeding as may be
57 employed for the purpose of taking testimony in proceedings pending in this state.

58 24-10-114.

59 A subpoena issued by a clerk of court under Code Section 24-10-112 or 24-10-113 shall
60 be served in compliance with Code Section 24-10-23 and shall be served not less than 24
61 hours prior to the time that the appearance thereunder is required.

62 24-10-115.

63 Part 1 of Article 2 of this chapter shall apply to subpoenas issued under Code Section
64 24-10-112 or 24-10-113.

65 24-10-116.

66 An application to the court for a protective order or to enforce, quash, or modify a
67 subpoena issued by a clerk of court under Code Section 24-10-112 or 24-10-113 shall
68 comply with the rules or statutes of this state and shall be submitted to the court in the
69 county in which discovery is to be conducted.

70 24-10-117.

71 In applying and construing this article, consideration shall be given to the need to promote
72 uniformity of the law with respect to its subject matter among states that enact it."

73 **SECTION 2.**

74 This Act shall become effective on July 1, 2010, and shall apply to requests for discovery in
75 actions pending on July 1, 2010.

76 **SECTION 3.**

77 All laws and parts of laws in conflict with this Act are repealed.