

GOV. MSG. NO. 1117

EXECUTIVE CHAMBERS HONOLULU

NEIL ABERCROMBIE GOVERNOR

April 12, 2012

The Honorable Shan Tsutsui, President and Members of the Senate Twenty-Sixth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813 The Honorable Calvin Say, Speaker and Members of the House Twenty-Sixth State Legislature State Capitol, Room 431 Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 12, 2012, the following bill was signed into law:

HB2841

RELATING TO THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT.

Act 017 (12)

NEIL ABERCROMBIE

Governor, State of Hawaii

ORIGINAL

Approved by an Governor

APR 1 2 2012

HOUSE OF REPRESENTATIVES TWENTY-SIXTH LEGISLATURE, 2012 STATE OF HAWAII



H.B. NO. 2841

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

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1	"Blace" means a state of the officed states, the bistrict 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 ar	
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	

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- 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.

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

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

5 INTRODUCED BY: HB LRB 12-0843.doc

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Hekishina)	John M. Mary
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APPROVED this 12 day of APR

, 2012

JAN 2 5 2012

GOVERNOR OF THE STATE OF HAWAII

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