

FIRST REGULAR SESSION

SENATE BILL NO. 394

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1662S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 510, RSMo, by adding thereto eight new sections relating to subpoenas for discovery issued by foreign jurisdictions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 510, RSMo, is amended by adding thereto
2 eight new sections, to be known as sections 510.500, 510.503,
3 510.506, 510.509, 510.512, 510.515, 510.518, and 510.521, to
4 read as follows:

510.500. Sections 510.500 to 510.521 shall be known
2 and may be cited as the "Uniform Interstate Depositions and
3 Discovery Act".

510.503. As used in sections 510.500 to 510.521, the
2 following terms mean:

3 (1) "Foreign jurisdiction", a state other than this
4 state;

5 (2) "Foreign subpoena", a subpoena issued under
6 authority of a court of record of a foreign jurisdiction;

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

12 (4) "State", a state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, a federally recognized Indian tribe, or any

territory or insular possession subject to the jurisdiction of the United States;

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

(a) Attend and give testimony at a deposition;

(b) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible items in the possession, custody, or control of the person; or

(c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under sections 510.500 to 510.521 shall not constitute an appearance in the courts of this state.

2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with such court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. A subpoena under subsection 2 of this section shall:

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

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

510.509. A subpoena issued by a clerk of court under section 510.506 shall be served in compliance with the

3 Missouri supreme court rules of civil procedure and laws of
4 this state.

510.512. The Missouri supreme court rules of civil
2 procedure and laws of this state, and any amendments
3 thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective
2 order or to enforce, quash, or modify a subpoena issued by a
3 clerk of court under section 510.506 shall comply with the
4 Missouri supreme court rules of civil procedure and laws of
5 this state and be submitted to the court in the county in
6 which discovery is to be conducted.

510.518. In applying and construing sections 510.500
2 to 510.521, consideration shall be given to the need to
3 promote uniformity of the law with respect to its subject
4 matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests
2 for discovery in cases pending on August 28, 2023.

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