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|  | General Assembly |  | ***Raised Bill No.*** | |  |
| ***February Session, 2022*** | |  | LCO No. (Draft Version 2) | | |
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|  | Introduced by: | | |  |  |
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CONTAINS PROPOSED REVISIONS – 2/4/2022

***AN ACT adopting the Connecticut interstate depositions and discovery act.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) Sections 1 to 7, inclusive, of this act, may be cited as the "Connecticut Interstate Depositions and Discovery Act".

Sec. 2. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) As used in this section and sections 3 to 7, inclusive, of this act:

(1) "Foreign jurisdiction" means a state other than the state of Connecticut;

(2) "Foreign subpoena" means a subpoena in a civil or probate action issued under authority of a court of record of a foreign jurisdiction;

(3) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity;

(4) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and

(5) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to: (A) Attend and give testimony at a deposition, hearing, or trial; (B) produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or (C) permit inspection of premises under the control of the person.

Sec. 3. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) (a) (1) To request issuance of a subpoena under this section, a party shall submit the original or a true copy of a foreign subpoena, [and] the form prescribed under subdivision (2) of this subsection, and the fee established for issuance of a foreign subpoena pursuant to section 9 of this act, to a superior court clerk in the judicial district or a probate court clerk in the probate district, as the case may be, in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under any provision of sections 1 to 7, inclusive, of this act, does not constitute an appearance in the courts of this state.

(2) [The judges of the Superior Court, or their designee] The Office of the Chief Court Administrator, with respect to civil actions, and the Probate Court Administration, with respect to probate actions, shall prescribe the form ~~under~~ referenced in subdivision (1) of this subsection.

(b) When a party submits a foreign subpoena to a clerk of a court in this state that complies with the requirements of subsection (a)(1) of this section, the clerk, in accordance with the court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

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

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

(2) Contain or be accompanied by an affidavit of the party stating 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; and [.]

(3) Include the case caption and docket number of the matter pending in the foreign jurisdiction and shall identify the superior court judicial district courthouse, or the probate court courthouse, as the case may be, issuing the subpoena. A subpoena issued by the superior court clerk shall be on a form prescribed by the Office of the Chief Court Administrator.

Sec. 4. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) A subpoena issued under section 3 of this act by a clerk of a court in this state shall be served in accordance with section 52-148e of the general statutes.

Sec. 5. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) The provisions of sections 52-148a to 52-152, inclusive, of the general statutes and sections 52-156 to 52-157, inclusive, of the general statutes shall apply to a subpoena issued under section 3 of this act.

Sec. 6. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) An application to the court for a protective order related to a matter under sections 1 to 6, inclusive of this act, or to enforce, quash or modify a subpoena issued by a clerk of a court under section 3 of this act, shall comply with the rules of court of this state and the general statutes and shall be submitted to the superior court in the judicial district or the probate court in the probate district, as the case may be, in which discovery is ~~to be conducted~~ ~~in this state.~~ sought.

Sec. 7. (NEW) (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*) In applying and construing the provisions of sections 1 to 6, inclusive, of this act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact such uniform provisions.

Sec. 8. Section 52-148c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*)

(a) Within this state, depositions shall be taken before a judge or clerk of any court, justice of the peace, notary public or commissioner of the Superior Court.

(b) In any other state or country, except a state, as defined in section 2 of this act, that has enacted legislation substantially similar to sections 1 to 7, inclusive, of this act, depositions for use in a civil action or probate proceeding within this state shall be taken before a notary public, a commissioner appointed by the Governor of this state, any magistrate having power to administer oaths or a person commissioned by the court before which such action or proceeding is pending, or when such court is not in session, by any judge thereof. Any person so commissioned shall have the power by virtue of his commission to administer any necessary oath and to take testimony. Additionally, if a deposition is to be taken out of the United States, it may be taken before any foreign minister, secretary of a legation, consul or vice-consul, appointed by the United States or any person by him appointed for the purpose and having authority under the laws of the country where the deposition is to be taken; and the official character of any such person may be proved by a certificate from the Secretary of State of the United States.

Sec. 9. Section 52-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*)

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, three hundred sixty dollars, except (1) two hundred thirty dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars; (2) one hundred seventy-five dollars for summary process and landlord and tenant actions; (3) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15 or 46b-16a, or for making an application to modify or extend an order issued pursuant to section 46b-15 or 46b-16a; and (4) there shall be no entry fee for a civil action brought under section 53a-28a; and (5) there shall be no entry fee for a petition brought under subsection (f) of section 42a-9-518 and section 47-31a. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

(b)The fee for the entry of a small claims case and for filing a counterclaim in a small claims case shall be ninety-five dollars. If a motion is filed to transfer a small claims case to the regular docket, the moving party shall pay a fee of one hundred twenty-five dollars.

(c)There shall be paid to the clerk of the Superior Court by any party who requests that a matter be designated as a complex litigation case the sum of three hundred thirty-five dollars, to be paid at the time the request is filed.

(d)There shall be paid to the clerk of the Superior Court by any party who requests a finding of fact by a judge of such court to be used on appeal the sum of twenty-five dollars, to be paid at the time the request is filed.

(e)There shall be paid to the clerk of the Superior Court a fee of seventy-five dollars for a petition for certification to the Supreme Court and Appellate Court.

(f)There shall be paid to the clerk of the Superior Court for the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar per page. Any fee set forth in this subsection shall be payable in accordance with subsection **[**(m)**]** (n) of this section.

(g)There shall be paid to the clerk of the Superior Court for a copy of a judgment file a fee of twenty-five dollars, inclusive of the fees for certification and copying, for a certified copy and a fee of fifteen dollars, inclusive of the fee for copying, for a copy which is not certified; and for a copy of a certificate of judgment in a foreclosure action, as provided by the rules of practice and procedure, twenty-five dollars, inclusive of the fees for certification and copying. Any fee set forth in this subsection shall be payable in accordance with subsection **[**(m)**]** (n) of this section.

 (h)There shall be paid to the clerk of the Superior Court a fee of one hundred eighty dollars at the time any application for a prejudgment remedy is filed.

(i)There shall be paid to the clerk of the Superior Court a fee of six hundred twenty dollars at the time any motion to be admitted as attorney pro hac vice is filed.

 (j)There shall be paid to the clerk of the Superior Court a fee of two hundred five dollars at the time any counterclaim, cross complaint, apportionment complaint or third party complaint is filed.

(k)There shall be paid to the clerk of the Superior Court a fee of three hundred fifty dollars at the time any application for a dissolution of lien upon the substitution of a bond with surety is filed pursuant to subsection (a) of section 49-37, subsection (b) of section 49-55a, subsection (a) of section 49-61, subsection (a) of section 49-92b or subsection (b) of section 49-92h.

(*l*) There shall be paid to the clerk of the Superior Court a fee of one hundred dollars at the time of a request for the issuance of a foreign subpoena pursuant to section 3 of this act.

**[**(l)**]**(m)A fee of twenty dollars for any check issued to the court in payment of any fee which is returned as uncollectible by the bank on which it is drawn may be imposed.

**[**(m)**]** (n)Any recording or copying performed under subsection (f) or (g) of this section may be done by photograph, microfilm, as defined in section 51-36, computerized image or other process which accurately reproduces or forms a durable medium for so reproducing the original. The fees required under subsections (f) and (g) of this section for recording and copying shall be payable regardless of the method by which the recording and copying is done.

**[**(n)**]**(o)The tax imposed under chapter 219 shall not be imposed upon any fee charged under the provisions of this section.

Sec. 10. Section 52-155 of the general statutes is repealed. (*Effective July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after said date*)

***Statement of Purpose:***

To adopt the Connecticut Interstate Depositions and Discovery Act.