

## **BILL ANALYSIS**

Senate Research Center  
88R13359 AJA-F

H.B. 3929  
By: Cook et al. (Hughes)  
Jurisprudence  
5/16/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Uniform Interstate Depositions and Discovery Act (UIDDA) was promulgated by the Uniform Law Commission in 2007, and to date has been adopted by 46 states. The UIDDA provides for an efficient and inexpensive procedure that allows litigants to depose individuals and conduct discovery in a state other than the trial state. The use of the UIDDA is efficient, inexpensive, requires minimal judicial oversight, and implements clear rules governing discovery. Under UIDDA, litigants can present a clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the trial state. Once the clerk receives the foreign subpoena, the clerk may issue a subpoena, with the same terms as the original subpoena and contact information for all counsel of record and any party not represented by counsel, for service upon the person or entity on which the original subpoena is directed. The UIDDA requires minimal judicial oversight and eliminates the need for obtaining a commission or local counsel in the discovery state, letters rogatory, or the filing of a miscellaneous action during the discovery phase of litigation. Discovery authorized by the subpoena must comply with the rules of the state in which the discovery occurs. In addition, motions to quash, enforce, or modify a subpoena issued pursuant to the UIDDA must be brought in and governed by the rules of the discovery state. H.B. 3929 provides for the adoption of the UIDDA by the Supreme Court of Texas.

H.B. 3929 amends current law relating to the adoption by the Supreme Court of Texas of the Uniform Interstate Depositions and Discovery Act.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Authorizes the Supreme Court of Texas (supreme court), before September 1, 2025, to adopt the Uniform Interstate Depositions and Discovery Act as rules of civil procedure.

SECTION 2. (a) Provides that Section 20.002 (Testimony Required by Foreign Jurisdiction), Civil Practice and Remedies Code, is repealed effective September 1, 2025.

(b) Provides that the rules described by Section 1 of this Act, if the supreme court adopts those rules with an effective date before September 1, 2025, supersede Section 20.002, Civil Practice and Remedies Code, to the extent of any conflict.

(c) Provides that the substance of Section 20.002, Civil Practice and Remedies Code, as that section existed immediately before the effective date of this Act, notwithstanding the repeal by this Act of Section 20.002, Civil Practice and Remedies Code, is continued in effect if the supreme court does not adopt the rules described by Section 1 of this Act before September 1, 2025.

SECTION 3. Effective date: September 1, 2023.