

BILL ANALYSIS

H.B. 3929
By: Cook
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3929 authorizes the Texas Supreme Court to adopt, before September 1, 2025, the Uniform Interstate Depositions and Discovery Act as rules of civil procedure. Effective September 1, 2025, the bill repeals a Civil Practice and Remedies Code provision establishing that a witness required by a court of record in any other state or foreign jurisdiction to give testimony in Texas may be compelled to appear and testify in the same manner and by the same process used for taking testimony in a proceeding pending in Texas, unless the supreme court does not adopt the Act as rules before that date. If the supreme court adopts the Act as rules with an effective date before that date, the rules supersede the repealed provision to the extent of any conflict. If the supreme court does not adopt the Act as rules by September 1, 2025, the provision as it existed immediately before the effective date of the bill is continued in effect.

H.B. 3929 repeals Section 20.002, Civil Practice and Remedies Code, effective September 1, 2025.

EFFECTIVE DATE

September 1, 2023.