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BILL ANALYSIS



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Senate Bill 707 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would add Chapter 22, the "Uniform Interstate Depositions and Discovery Act", to the Revised Judicature Act (RJA). Chapter 22 would do the following:

- Allow a party to submit a foreign subpoena to a circuit court clerk in Michigan, and request that court to issue a subpoena in this State.
- Establish requirements for the issuance and enforcement of a subpoena under Chapter 22, including requiring compliance with Michigan Court Rules and statutes.

The bill also would amend Chapter 18 (Process and Arrests) of the RJA to delete provisions allowing a Michigan court to order a person domiciled or found within this State to give testimony or a statement or to produce documents or other things for use in a proceeding outside of Michigan.

The bill would take effect on July 1, 2012, and Chapter 22 would apply to requests for discovery in actions pending on that date.

To request issuance of a subpoena under Chapter 22, a party would have to submit a foreign subpoena to the clerk of the circuit court in the county in which discovery was sought to be conducted in Michigan. The clerk, in accordance with the court's procedures, promptly would have to issue a subpoena for service upon the person to whom the foreign subpoena was directed. The subpoena would have to incorporate the terms used in the foreign subpoena, and contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena related and of any party not represented by counsel. A request for the issuance of a subpoena under Chapter 22 would not constitute an appearance in Michigan courts.

(A "foreign subpoena" would be a subpoena issued under authority of a court of a state other than Michigan. "State" would mean a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.)

MCL 600.1852 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the administrative workload of various courts, local jurisdictions could incur additional costs.

Date Completed: 10-12-11

Fiscal Analyst: Matthew Grabowski

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Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.