

House Bill Law De Passed 3/1/90

FILED MAR 16 1989

SENATE FILE 460
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 291)

Passed Senate, Date 3-23-90 (1990) Passed House, Date 3/13/90 (1053)
Vote: Ayes 26 Nays 16 Vote: Ayes 56 Nays 36
Approved March 26, 1990

A BILL FOR

1 An Act relating to obtaining depositions in a foreign
2 jurisdiction.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 460

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1 Section 1. Section 622.84, Code 1989, is amended to read
2 as follows:

3 622.84 SUBPOENAS -- ENFORCING OBEDIENCE.

4 1. When, by the laws of this or any other state or
5 country, testimony may be taken in the form of depositions to
6 be used in any of the courts thereof, the person authorized to
7 take ~~such~~ the depositions may issue subpoenas for witnesses,
8 which must be served by the same officers and returned in the
9 same manner as is required in district court, and obedience
10 ~~thereto~~ to the subpoenas may be enforced in the same way and
11 to the same extent, or the person may report the matter to the
12 district court who may enforce obedience as though the action
13 was pending in ~~said~~ the district court.

14 2. If a witness is located in any other state or country
15 and refuses to voluntarily submit to the deposition, the court
16 of jurisdiction in this state may, upon the application of any
17 party, petition the court of competent jurisdiction in the
18 foreign jurisdiction where the witness is located to issue
19 subpoenas or make other appropriate orders to compel the
20 witness' attendance at the deposition.

21 EXPLANATION

22 This bill provides that a court in this state may petition
23 a court in another state or country to issue a subpoena or
24 other appropriate order to compel the deposition of a witness
25 located in the other state or country.

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Mans. Ch.
VARD
FUHRMAN

SSB 291
JUDICIARY

SENATE FILE 460
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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15 and refuses to voluntarily submit to the deposition, the court
16 of jurisdiction in this state may, upon the application of any
17 party, petition the court of competent jurisdiction in the
18 foreign jurisdiction where the witness is located to issue
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SENATE FILE 460

AN ACT

RELATING TO OBTAINING DEPOSITIONS IN A FOREIGN JURISDICTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 622.84, Code 1989, is amended to read as follows:

622.84 SUBPOENAS -- ENFORCING OBEDIENCE.

1. When, by the laws of this or any other state or country, testimony may be taken in the form of depositions to be used in any of the courts thereof, the person authorized to take ~~such~~ the depositions may issue subpoenas for witnesses, which must be served by the same officers and returned in the same manner as is required in district court, and obedience ~~thereto to the subpoenas~~ may be enforced in the same way and to the same extent, or the person may report the matter to the district court who may enforce obedience as though the action was pending in ~~said~~ the district court.

2. If a witness is located in any other state or country and refuses to voluntarily submit to the deposition, the court of jurisdiction in this state may, upon the application of any party, petition the court of competent jurisdiction in the foreign jurisdiction where the witness is located to issue

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 460, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved March 26, 1990

TERRY E. BRANSTAD
Governor

SF 460