

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Uniform Interstate Depositions and Discovery Act.

6 Section 2. Definitions. In this Act:

7 (1) "Foreign jurisdiction" means a state other than this
8 State.

9 (2) "Foreign subpoena" means a subpoena issued under
10 authority of a court of record of a foreign jurisdiction.

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

16 (4) "State" means a state of the United States, the
17 District of Columbia, Puerto Rico, the United States Virgin
18 Islands, a federally recognized Indian tribe, or any territory
19 or insular possession subject to the jurisdiction of the United
20 States.

21 (5) "Subpoena" means a document, however denominated,
22 issued under authority of a court of record requiring a person
23 to:

- 1 (A) attend and give testimony at a deposition;
- 2 (B) produce and permit inspection and copying of
3 designated books, documents, records, electronically
4 stored information, or tangible things in the possession,
5 custody, or control of the person; or
- 6 (C) permit inspection of premises under the control of
7 the person.

8 Section 3. Issuance of subpoena.

9 (a) To request issuance of a subpoena under this Section, a
10 party must submit a foreign subpoena to a clerk of court in the
11 county in which discovery is sought to be conducted in this
12 State. A request for the issuance of a subpoena under this Act
13 does not constitute an appearance in the courts of this State.

14 (b) When a party submits a foreign subpoena to a clerk of
15 court in this State, the clerk, in accordance with that court's
16 procedure, shall promptly issue a subpoena for service upon the
17 person to which the foreign subpoena is directed.

18 (c) A subpoena under subsection (b) must:

19 (A) incorporate the terms used in the foreign subpoena;
20 and

21 (B) contain or be accompanied by the names, addresses,
22 and telephone numbers of all counsel of record in the
23 proceeding to which the subpoena relates and of any party
24 not represented by counsel.

1 Section 4. Service of subpoena. A subpoena issued by a
2 clerk of court under Section 3 must be served in compliance
3 with Illinois Supreme Court Rules 204 and 237 and Section
4 2-1101 of the Code of Civil Procedure.

5 Section 5. Deposition, production, and inspection. With
6 respect to depositions, production of documents or other
7 tangible items, or inspections of premises, Illinois Supreme
8 Court Rules 204 and 237 and Section 2-1101 of the Code of Civil
9 Procedure apply to subpoenas issued under Section 3.

10 Section 6. Application to court. An application to the
11 court for a protective order or to enforce, quash, or modify a
12 subpoena issued by a clerk of court under Section 3 must comply
13 with the rules or statutes of this State and be submitted to
14 the court in the county in which discovery is to be conducted.

15 Section 7. Uniformity of application and construction. In
16 applying and construing this uniform Act, consideration must be
17 given to the need to promote uniformity of the law with respect
18 to its subject matter among states that enact it.

19 Section 8. Application to pending actions. This Act applies
20 to requests for discovery in cases pending on the effective
21 date of this Act.

1 Section 9. (Blank).

2 Section 9.5. Limitation. A subpoena issued under this Act
3 may not require compliance outside a deponent's county of
4 residence in the State of Illinois.