

HB 1489 - AS INTRODUCED

2026 SESSION

26-2331

07/09

HOUSE BILL **1489**

AN ACT relative to interstate depositions and discovery.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Berch, Ches. 6

COMMITTEE: Judiciary

ANALYSIS

This bill makes changes to the appointment of deposition commissioners and the uniform foreign depositions law.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to interstate depositions and discovery.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Proceedings in Court; Uniform Foreign Depositions Law. RSA 517-A is repealed and
2 reenacted to read as follows:

3 517-A:1 Short Title. This chapter may be known and cited as the "Uniform Interstate
4 Depositions and Discovery Act".

5 517-A:2 Definitions. In this chapter:

6 I. "Foreign jurisdiction" means a state other than New Hampshire.

7 II. "Foreign subpoena" means a subpoena issued under the authority of a court of record of a
8 foreign jurisdiction.

9 III. "Person" means an individual, corporation, business trust, estate, trust, partnership,
10 limited liability company, association, joint venture, public corporation, government, or
11 governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

12 IV. "State" means a state of the United States, the District of Columbia, Puerto Rico, the
13 United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular
14 possession subject to the jurisdiction of the United States, or, for the purposes of RSA 517-A:8
15 through RSA 517-A:11, a foreign country.

16 V. "Subpoena" means a document, however denominated, issued under the authority of a
17 court of record requiring a person to:

18 (a) Attend and give testimony at a deposition;

19 (b) Produce and permit inspection and copying of designated books, documents, records,
20 electronically stored information, or tangible things in the possession, custody, or control of the
21 person; or

22 (c) Permit inspection of premises under the control of the person.

23 517-A:3 Issuance of Subpoena.

24 I. To request issuance of a subpoena under this section, a party shall submit a foreign
25 subpoena to the clerk of the superior court in the county in which discovery is sought to be conducted
26 in this state. A request for the issuance of a subpoena under this act shall not constitute an
27 appearance in the courts of this state.

28 II. When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in
29 accordance with that court's procedure, shall promptly issue a subpoena for service upon the person
30 to whom the foreign subpoena is directed.

31 III. A subpoena under paragraph II shall:

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- 1 (a) Incorporate the terms used in the foreign subpoena; and
2 (b) Contain or be accompanied by the names, addresses, and telephone numbers of all
3 counsel of record in the proceeding to which the subpoena relates and of any party not represented
4 by counsel.

5 517-A:4 Service of Subpoena. A subpoena issued by a clerk of court under RSA 517-A:3 shall be
6 served in compliance with all statutes and court rules governing service of subpoenas in civil actions
7 in the superior courts.

8 517-A:5 Compliance with Subpoena. All provisions of law and court rules regarding the
9 obligation of persons to comply with subpoenas and the remedies available for non-compliance shall
10 apply to subpoenas issued under RSA 517-A:3.

11 517-A:6 Procedure to Enforce, Modify, or Quash Subpoena. An application to the court for a
12 protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under RSA 517-
13 A:3 shall comply with the rules or statutes of this state and be submitted to the court in the county
14 in which discovery is to be conducted.

15 517-A:7 Uniformity of Application and Construction. In applying and construing this uniform
16 act, courts shall give due consideration to the need to promote uniformity of the law with respect to
17 its subject matter among states that enact it.

18 517-A:8 Appointment of Commissioner to Take Foreign Depositions.

19 I. The superior court may appoint a suitable person to serve as a commissioner, who may
20 take depositions outside this state for use in causes pending in or returnable to said court.

21 II. No appointment shall be required when discovery is sought in a foreign jurisdiction that
22 has adopted the uniform foreign depositions act, the model uniform interstate depositions and
23 discovery act, or other similar process for obtaining out-of-state discovery and testimony. In such
24 matters, discovery and testimony may be sought pursuant to the manner and process required in the
25 foreign jurisdiction.

26 517-A:9 Procedure for Appointment of Commissioner. After the appointment of a commissioner
27 under RSA 517-A:8, the notice of the time and place of taking depositions before the commissioner,
28 the proceedings in taking such depositions, the certificates to be made by the commissioner, and all
29 other formalities with reference to taking, filing, and using such depositions shall be the same, as far
30 as applicable, to taking depositions in civil causes.

31 517-A:10 Powers of Commissioner. A commissioner appointed under RSA 517-A:8 shall have all
32 the powers conferred by the laws of other states, territories, or foreign countries upon commissioners
33 or other persons authorized to take depositions in said other states, territories, or foreign countries
34 for use in cases pending in this state.

35 517-A:11 Commissioners Appointed by Foreign Jurisdictions. A commissioner or other person
36 appointed by any court of record of any other state, territory, or foreign country, for the purpose of
37 taking depositions in this state for use in causes pending in such court of record, shall have the same

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1 powers of procuring the attendance of witnesses to give depositions before the commissioner and of
2 requiring the production of papers and the giving of such depositions as justices of the peace within
3 this state with reference to depositions for use in civil causes pending within the courts of this state.

4 2 Repeal. The following are repealed:

5 I. RSA 517:15, relative to the appointment of deposition commissioners.

6 II. RSA 517:16, relative to the procedure for appointing deposition commissioners.

7 III. RSA 517:17, relative to the powers of deposition commissioners.

8 IV. RSA 517:18, relative to foreign deposition commissioners.

9 3 Applicability. This act shall apply to requests for discovery in cases pending on or after the
10 effective date of this act.

11 4 Effective Date. This act shall take effect January 1, 2027.