



SENATE BILL 508: Civil Procedure/Deponent Declaration.

2019-2020 General Assembly

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| Committee: | House Rules, Calendar, and Operations of the House | Date: | July 8, 2019 |
| Introduced by: | Sen. Bishop | Prepared by: | Brad Krehely |
| Analysis of: | First Edition | | Staff Attorney |

OVERVIEW: *Senate Bill 508 would clarify the process for the taking of depositions in civil actions.*

[As introduced, this bill was identical to H610, as introduced by Reps. Clark, Jackson, McGrady, which is currently in House Judiciary.]

CURRENT LAW:

G.S. 1A-1, Rule 30 provides the following:

- A person being deposed (deponent) shall be put on oath and shall personally, or by someone under the person's direction and in the person's presence, record the testimony of the deponent.
- The person administering the oath in a deposition shall certify that the deponent was duly sworn and that the deposition is a true record of the testimony given by the deponent.

G.S. 14-209 provides that any person who willfully and corruptly commits perjury on oath or affirmation, in any suit, or in any deposition is guilty of a Class F felony (10 to 59 months incarceration).

BILL ANALYSIS:

Senate Bill 508 would do all of the following:

- Clarify that a deponent who lacks government identification necessary to be put on oath may testify upon signing a declaration that the testimony is given under penalty of perjury.
- Make modernizing and stylistic changes to G.S. 1A-1, Rule 30.
- Clarify that a declaration signed by a deponent under this section has the same effect as an affirmation under G.S. 14-209.
- Clarify the items required to be in a deponent's declaration.
- Require that deponent's declaration be attached to the deposition transcript as an exhibit.
- Specify that preparing a transcript under this section does not constitute the unauthorized practice of law.

EFFECTIVE DATE: This act becomes effective October 1, 2019, and applies to depositions taken on or after that date.

Shawn Middlebrooks, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.

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