



SENATE BILL 508: Civil Procedure/Deponent Declaration.

2019-2020 General Assembly

Committee:		Date:	December 10, 2019
Introduced by:		Prepared by:	Brad Krehely Staff Attorney
Analysis of:	S.L. 2019-147		

OVERVIEW: *S.L. 2019-147 clarifies the process for the taking of depositions in civil actions. It provides 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. It also clarifies the items required to be in a deponent's declaration and specifies that preparing a transcript under this section does not constitute the unauthorized practice of law.*

The act became effective October 1, 2019, and applies to depositions taken on or after that date.

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:

S.L. 2019-147 does all of the following:

- Clarifies 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.
- Makes modernizing and stylistic changes to G.S. 1A-1, Rule 30.
- Clarifies that a declaration signed by a deponent under this section has the same effect as an affirmation under G.S. 14-209.
- Clarifies the items required to be in a deponent's declaration.
- Requires that deponent's declaration be attached to the deposition transcript as an exhibit.
- Specifies that preparing a transcript under this section does not constitute the unauthorized practice of law.

EFFECTIVE DATE: This act became 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 this summary.*

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