

Senate Engrossed

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 232

SENATE BILL 1316

AN ACT

AMENDING SECTION 12-351, ARIZONA REVISED STATUTES; RELATING TO SUBPOENA COMPLIANCE COSTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-351, Arizona Revised Statutes, is amended to
3 read:

4 12-351. Costs of compliance with subpoena for production of
5 documentary evidence; payment by requesting party;
6 definitions

7 A. All reasonable costs incurred in a civil action by a witness who is
8 not a party to the action with respect to the production of documents
9 pursuant to a subpoena for the production of documentary evidence shall be
10 charged against the party requesting the subpoena if the witness submits an
11 itemized statement to the requesting party stating the reproduction and
12 clerical costs incurred by the witness.

13 B. If a subpoena is served to compel the production of documents and
14 is subsequently withdrawn, quashed, modified or limited other than by the
15 witness, the witness is entitled to reimbursement pursuant to subsection A OF
16 THIS SECTION for all reasonable costs incurred in compliance with the
17 subpoena to the time that the requesting party has notified the witness that
18 the subpoena has been withdrawn, quashed, modified or limited.

19 C. The requesting party is not required to pay the reasonable costs
20 before the documents are available for delivery pursuant to the subpoena. The
21 witness may demand payment of the reasonable costs simultaneously with actual
22 delivery of the subpoenaed documents.

23 D. The requesting party may petition the court in which the action is
24 pending to recover from the witness all or a part of the costs paid to the
25 witness or to reduce all or a part of the costs charged by the witness
26 pursuant to this section if these costs were excessive.

27 E. If the personal attendance of the witness is not required, the
28 witness may only receive payment pursuant to this section.

29 F. ~~In~~ FOR THE PURPOSES OF this section ~~unless the context otherwise~~
30 ~~requires:~~

31 1. "Reasonable costs" means ~~ten~~ TWENTY-FIVE cents for each page of
32 standard reproduction of documents and the actual costs for reproduction of
33 documents ~~which~~ THAT require special processing plus the reasonable clerical
34 costs incurred in locating and making the documents available billed at the
35 rate of ~~ten~~ TWENTY-FIVE dollars per hour per person.

36 2. "Requesting party" means a party requesting issuance of a subpoena
37 for production of documentary evidence.

38 3. "Witness" means a person who is directed to produce documents by a
39 subpoena for the production of documentary evidence.

APPROVED BY THE GOVERNOR APRIL 9, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2015.

Passed the House April 3, 20 15,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 19, 20 15,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6th day of April, 20 15,

at 8:23 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 9th day of

April, 20 15,

at 11:46 o'clock _____ M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10th day of April, 20 15,

at 8:15 o'clock A. M.

[Signature]
Secretary of State

S.B. 1316