

## HOUSE BILL No. 2341

By Committee on Commerce, Labor and Economic Development

2-14

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1 AN ACT concerning court reporters; amending K.S.A. 2012 Supp. 60-228  
2 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2012 Supp. 60-228 is hereby amended to read as  
6 follows: 60-228. (a) *Within the United States.* (1) *Inside this state.*  
7 Depositions in this state must be taken before:

8 (A) An officer or person authorized to administer oaths by the laws of  
9 this state; and

10 (B) (1) a person who is certified as a certified court reporter by the  
11 Kansas supreme court; *or*

12 (2) *a person who holds a valid and unrevoked certificate as a*  
13 *certified shorthand reporter or a certified court reporter issued under the*  
14 *laws of any other state or territory of the United States.*

15 (2) *Outside this state.* Outside this state, but within the United States  
16 or a territory or insular possession subject to United States jurisdiction, a  
17 deposition must be taken before:

18 (A) An officer authorized to administer oaths by the law in the place  
19 of examination; or

20 (B) a person appointed by the court where the action is pending to  
21 administer oaths and take testimony.

22 (3) *Granting of commission.* A court of this state in which an action is  
23 pending may grant a commission to one or more persons to take  
24 depositions inside or outside this state. The clerk may issue the  
25 commission under the seal of the court.

26 (b) *In a foreign country.* (1) *In general.* A deposition may be taken in  
27 a foreign country:

28 (A) Under an applicable treaty or convention;

29 (B) under a letter of request, whether or not captioned a "letter  
30 rogatory";

31 (C) on notice, before a person authorized to administer oaths either by  
32 federal law or by the law in the place of examination; or

33 (D) before a person commissioned by the court to administer any  
34 necessary oath and take testimony.

35 (2) *Issuing a letter of request or a commission.* A letter of request, a  
36 commission, or both may be issued:

1 (A) On appropriate terms after an application and notice of it; and

2 (B) without a showing that taking the deposition in another manner is  
3 impracticable or inconvenient.

4 (3) *Form of a request, notice or commission.* When a letter of request  
5 or any other device is used according to a treaty or convention, it must be  
6 captioned in the form prescribed by that treaty or convention. A letter of  
7 request may be addressed "To the Appropriate Authority in (name of  
8 country)." A deposition notice or a commission must designate by name or  
9 descriptive title the person before whom the deposition is to be taken.

10 (4) *Letter of request; admitting evidence.* Evidence obtained in  
11 response to a letter of request need not be excluded merely because it is  
12 not a verbatim transcript, because the testimony was not taken under oath  
13 or because of any similar departure from the requirements for depositions  
14 taken within this state.

15 (c) *Disqualification.* A deposition must not be taken before a person  
16 who is any party's relative, employee or attorney, who is related to or  
17 employed by any party's attorney or who is financially interested in the  
18 action.

19 Sec. 2. K.S.A. 2012 Supp. 60-228 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the statute book.