

SENATE BILL 511

D3

8lr1545
CF 8lr3379

By: **Senators Waugh, Astle, Bates, Currie, Eckardt, Hough, Klausmeier, Manno, Mathias, Peters, Salling, Simonaire, Smith, Young, and Zucker**

Introduced and read first time: January 29, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Active Duty Service Members – Electronic Deposition and**
3 **Testimony**

4 FOR the purpose of authorizing a party to a civil action who is entitled to protections under
5 the Service Members Civil Relief Act due to the party's active duty military status
6 to petition the court to be deposed or to testify under penalty of perjury by certain
7 electronic means; requiring a tribunal of the State to cooperate with other tribunals
8 or the appropriate military representative in designating an appropriate location for
9 deposition or testimony offered under this Act; providing for the application of this
10 Act; authorizing the Court of Appeals to adopt certain rules; and generally relating
11 to the electronic deposition and testimony of active duty service members.

12 BY adding to

13 Article – Courts and Judicial Proceedings
14 Section 6–412
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 **6–412.**

21 **(A) REGARDLESS OF STATE OF RESIDENCY, A PARTY TO A CIVIL ACTION IN**
22 **THIS STATE WHO IS ENTITLED TO PROTECTION UNDER THE FEDERAL SERVICE**
23 **MEMBERS CIVIL RELIEF ACT BECAUSE OF THE PARTY'S ACTIVE DUTY MILITARY**
24 **STATUS MAY PETITION THE COURT TO BE DEPOSED OR TO TESTIFY UNDER PENALTY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OF PERJURY BY TELEPHONE, AUDIOVISUAL MEANS, OR OTHER ELECTRONIC MEANS
2 AT A DESIGNATED TRIBUNAL OR OTHER LOCATION.

3 (B) A TRIBUNAL OF THIS STATE SHALL COOPERATE WITH OTHER
4 TRIBUNALS OR THE APPROPRIATE REPRESENTATIVE OF THE UNITED STATES
5 ARMED FORCES IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION
6 OR TESTIMONY.

7 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR
8 LIMIT THE PROTECTIONS AND RIGHTS OF A PARTY UNDER THE FEDERAL SERVICE
9 MEMBERS CIVIL RELIEF ACT.

10 (D) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THIS
11 SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.