

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 21, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB16-132 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 10, strike "OR".
- 2 Page 3, strike line 14 and substitute "DUTIES; OR
- 3 (D) ANY PARTY WHO OBTAINS AN ORDER IN A PENDING CIVIL OR
- 4 CRIMINAL CASE IF THE COURT FINDS THE PARTY HAS SHOWN GOOD CAUSE
- 5 TO HAVE THE INFORMATION. IN DETERMINING WHETHER THERE IS GOOD
- 6 CAUSE, THE COURT SHALL CONSIDER WHETHER THE MATERIALS SOUGHT
- 7 EXIST; WHETHER THE MATERIALS SOUGHT ARE EVIDENTIARY AND
- 8 RELEVANT; WHETHER THE MATERIALS ARE NOT OTHERWISE PROCURABLE
- 9 REASONABLY IN ADVANCE OF THE PROCEEDING BY THE EXERCISE OF DUE
- 10 DILIGENCE; WHETHER THE PARTY CANNOT PROPERLY PREPARE FOR THE
- 11 PROCEEDING WITHOUT SUCH PRODUCTION AND INSPECTION IN ADVANCE
- 12 OF THE PROCEEDING, AND THE FAILURE TO OBTAIN SUCH INSPECTION MAY
- 13 TEND TO UNREASONABLY DELAY THE PROCEEDING; AND WHETHER THE
- 14 REQUEST FOR THE INFORMATION IS MADE IN GOOD FAITH AND IS NOT FOR
- 15 THE PURPOSES OF GENERAL DISCOVERY."

** ** ** ** **