

## Cal Code Civ Proc § 2029.350

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*Deering's California Codes Annotated > CODE OF CIVIL PROCEDURE (§§ 1 – 2107) > Part 4  
Miscellaneous Provisions (§§ 1834 – 2107) > Title 4 Civil Discovery Act (Chs. 1 – 20) > Chapter 12  
Discovery in Action Pending Outside California (Art. 1) > Article 1 Interstate and International Depositions  
and Discovery Act (§§ 2029 – 2029.900)*

### **§ 2029.350. Issuance of subpoena by local counsel**

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- (a) Notwithstanding Sections 1986 and 2029.300, if a party to a proceeding pending in a foreign jurisdiction retains an attorney licensed to practice in this state, who is an active member of the State Bar, and that attorney receives the original or a true and correct copy of a foreign subpoena, the attorney may issue a subpoena under this article.
- (b)
- (1) Notwithstanding subdivision (a), an authorized attorney shall not issue a subpoena pursuant to subdivision (a) if the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to allow a child to receive gender-affirming health care or gender-affirming mental health care.
  - (2) For the purpose of this subdivision, "gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as provided in Section 16010.2 of the Welfare and Institutions Code.
- (c) Notwithstanding subdivision (a), an attorney shall not issue a subpoena under this article based on a foreign subpoena that relates to a foreign penal civil action and that would require disclosure of information related to sensitive services. For purposes of this subdivision, "sensitive services" has the same meaning as defined in Section 791.02 of the Insurance Code.
- (d) A subpoena issued under this section shall satisfy all of the following conditions:
- (1) It shall incorporate the terms used in the foreign subpoena.
  - (2) It shall contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.
  - (3) It shall bear the caption and case number of the out-of-state case to which it relates.
  - (4) It shall state the name of the superior court of the county in which the discovery is to be conducted.
  - (5) It shall be on a form prescribed by the Judicial Council pursuant to Section 2029.390.

### **History**

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Added Stats 2008 ch 231 § 3 (AB 2193), effective January 1, 2009, operative January 1, 2010. Amended Stats 2022 ch 628 § 5 (AB 2091), effective September 27, 2022; Stats 2022 ch 810 § 3.5 (SB 107), effective January 1, 2023.

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