

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1652

5 By: Representative Wardlaw  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY LEGISLATIVE PROCEDURE PERTAINING TO  
9 THE ISSUANCE OF SUBPOENAS AND THE ADMINISTRATION OF  
10 OATHS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO CLARIFY LEGISLATIVE PROCEDURE  
14 PERTAINING TO THE ISSUANCE OF SUBPOENAS  
15 AND THE ADMINISTRATION OF OATHS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 10-2-301 is amended to read as follows:

22 10-2-301. Compelling attendance – Orders – Sentences.

23 (a)(1) The Senate and the House of Representatives meeting separately  
24 or in joint meeting may:

25 ~~(1)~~(A) Issue the necessary subpoenas and process to summon  
26 and compel a person to appear before them or ~~a~~ before a legislative committee  
27 ~~thereof;~~

28 ~~(2)~~(B) Carry into execution their orders and sentences;  
29 and

30 ~~(3)~~(C) Summon and compel the attendance of witnesses in as  
31 full a manner as a court of law and with like effect.

32 ~~(b)~~(2) A subpoena for a witness shall be issued at the request  
33 of:

34 ~~(1)~~(A) A member of the Senate or a member of the House of  
35 Representatives with the majority support of the member's respective house;

36 ~~(2)~~(B) The President Pro Tempore of the Senate on behalf



1 of the majority of the members of the Senate;

2 ~~(3)(C)~~ The Speaker of the House of Representatives on  
 3 behalf of the majority of the members of the House of Representatives; ~~and or~~

4 ~~(4)(D)~~ The party accused.

5 (b) The following have the power and authority upon approval of a  
 6 majority of its members to subpoena persons, documents, and records:

7 (1) A committee of the Senate;

8 (2) A committee of the House of Representatives;

9 (3) A joint committee of the General Assembly; and

10 (4) A legislative task force whose membership consists solely of  
 11 members of the General Assembly.

12 (c)(1) If a person subpoenaed to appear before the Senate, the House  
 13 of Representatives, a Senate or House committee or joint committee, or a  
 14 legislative task force under subdivision (b)(4) of this section fails to  
 15 appear or produce subpoenaed documents or records, the fact of the refusal to  
 16 appear or produce subpoenaed documents or records shall be certified to the  
 17 circuit court of the county in which the hearing is held.

18 (2) The circuit court shall punish the person for contempt of  
 19 the General Assembly under subdivision (c)(1) of this section in the same  
 20 manner as punishment for contempt is imposed for failure to respond to a  
 21 subpoena or directive of the circuit court.

22 (d) If Arkansas law mandates certain requirements for a subpoena  
 23 issued by a specific legislative committee, those requirements shall be  
 24 supplemental to the provisions of this subchapter concerning subpoenas.

25  
 26 SECTION 2. Arkansas Code § 10-2-303 is amended to read as follows:

27 10-2-303. Process – Issuance and execution.

28 (a) All process issued by the House of Representatives and subpoenas  
 29 and other process for witnesses when attendance may be required in the House  
 30 or before a committee of the House of Representatives shall be under the hand  
 31 of the Speaker of the House of Representatives and attested by the Chief  
 32 Clerk of the House of Representatives.

33 (b)(1) All process issued by the Senate and subpoenas and other  
 34 process for witnesses when attendance may be required in the Senate or before  
 35 a committee of the Senate shall be under the hand of the President Pro  
 36 Tempore of the Senate and attested by the Secretary of the Senate.

1 (c) All process issued and subpoenas and other process for witnesses  
 2 when attendance may be required for a joint meeting of the Senate and the  
 3 House of Representatives, a joint committee of the General Assembly, or a  
 4 legislative task force under § 10-2-301(b)(4) shall be under the hand of the:

5 (1) Speaker of the House of Representatives and attested by the  
 6 Chief Clerk of the House of Representatives if the process was requested by a  
 7 member of the House of Representatives or the Speaker of the House of  
 8 Representatives; or

9 (2) President Pro Tempore of the Senate and attested by the  
 10 Secretary of the Senate if the process was requested by:

11 (A) A member of the Senate;

12 (B) The President Pro Tempore of the Senate; or

13 (C) The party accused if the party accused is not a  
 14 member of the House of Representatives, a member of the Senate, the Speaker  
 15 of the House of Representatives, or the President Pro Tempore of the Senate.

16 (d) In addition to the requirements of this section, a subpoena  
 17 issued under § 10-2-301(b) shall be signed by the chair or acting chair of  
 18 the committee or legislative task force voting to issue the subpoena.

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 20 SECTION 3. Arkansas Code § 10-2-306 is amended to read as follows:

21 10-2-306. Administration of oaths by committee – Depositions –  
 22 Perjury.

23 (a) The chair or a member at any time acting as chair of ~~a committee~~  
 24 ~~of either house of the General Assembly or joint committee of the two (2)~~  
 25 ~~houses of the General Assembly~~ the following, or his or her designee, ~~when~~  
 26 ~~the committee is empowered to issue subpoenas for persons, papers, or~~  
 27 ~~records,~~ shall be fully empowered to administer oaths and to take depositions  
 28 ~~for the purpose for which the committee or joint committee is empowered to~~  
 29 ~~issue subpoenas for persons, papers, or records:~~

30 (1) A committee of either house of the General Assembly;

31 (2) A joint committee of the two (2) houses of the General  
 32 Assembly; or

33 (3) A legislative task force whose membership consists solely of  
 34 members of the General Assembly.

35 ~~(b)(1) If a person subpoenaed to appear before the Senate, the House~~  
 36 ~~of Representatives, or a Senate or House committee or joint interim committee~~

1 ~~fails to appear or produce subpoenaed material, the fact of the refusal to~~  
2 ~~appear or produce subpoenaed material shall be certified to the circuit court~~  
3 ~~of the county in which the hearing is held.~~

4 ~~(2) The circuit court shall punish the person for contempt of~~  
5 ~~the General Assembly under subdivision (b)(1) of this section in the same~~  
6 ~~manner as punishment for contempt is imposed for failure to respond to a~~  
7 ~~subpoena or directive of the circuit court.~~

8 ~~(e)(b)~~ A person who is administered the oath and who provides false  
9 testimony while under oath is guilty of perjury and subject to the penalties  
10 prescribed by law.

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12 SECTION 4. Arkansas Code § 10-2-307 is repealed.

13 ~~10-2-307. Subpoena by committee.~~

14 ~~The committee so empowered may issue its subpoena signed by its chair~~  
15 ~~or acting chair for the attendance of witnesses and the production of papers~~  
16 ~~or records, and the subpoena may be served by any officer authorized to serve~~  
17 ~~process in civil cases.~~

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