

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/11/99*  
**A Bill**

SENATE BILL 841

5 By: Senators B. Walker, B. Lewellen  
6 By: Representatives Booker, J. Lewellen, Ferrell, Harris, L. Thomas, Jones, Willis, Gullett, C. Johnson,  
7 Magnus, Eason  
8  
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10 **For An Act To Be Entitled**

11 "AN ACT TO AMEND ARKANSAS CODE 16-43-212 TO AUTHORIZE  
12 CITY ATTORNEYS TO ISSUE SUBPOENAS IN ALL CITY *FAIR*  
13 *HOUSING* ORDINANCE VIOLATIONS THEY ARE INVESTIGATING;  
14 AND FOR OTHER PURPOSES. "

15  
16 **Subtitle**

17 "AN ACT TO AMEND ARKANSAS CODE 16-43-212  
18 TO AUTHORIZE CITY ATTORNEYS TO ISSUE  
19 SUBPOENAS IN ALL CITY *FAIR HOUSING*  
20 ORDINANCE VIOLATIONS THEY ARE  
21 INVESTIGATING. "

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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code 16-43-212 is amended to read as follows:

27 "16-43-212. Criminal proceedings - Issuance of subpoenas pursuant to  
28 investigations.

29 (a) The prosecuting attorneys and their deputies may issue subpoenas in  
30 all criminal matters they are investigating and may administer oaths for the  
31 purpose of taking the testimony of witnesses subpoenaed before them. Such oath  
32 when administered by the prosecuting attorney or his deputy shall have the  
33 same effect as if administered by the foreman of the grand jury. The subpoena  
34 shall be substantially in the following form:

35  
36 'The State of Arkansas to the Sheriff of . . . . . County: You

1 are commanded to summon . . . . . to attend before the  
 2 Prosecuting Attorney at . . . . . on the . . . . .  
 3 . . . . ., A. D. 19 . . . . ., at . . . . . M., and testify in the matter of an  
 4 investigation then to be conducted by the said Prosecuting Attorney growing  
 5 out of a representation that . . . . . has committed the crime of  
 6 . . . . . in said County. Witness my hand this . . . . .  
 7 A. D. 19 . . . . . day of . . . . ., 19 . . . . .

8  
 9  
 10 . . . . .  
 11 Prosecuting Attorney

12 By . . . . .  
 13 Deputy Prosecuting Attorney'

14 (b) The subpoena provided for in subsection (a) of this section shall  
 15 be served in the manner as provided by law and shall be returned, and a record  
 16 made and kept, as provided by law for grand jury subpoenas. The fees and  
 17 mileage of officers serving the subpoenas and of witnesses in appearances in  
 18 answer to the subpoenas shall be the same, and shall be paid in the same  
 19 manner, as provided by law for grand jury witnesses.

20 (c) the city attorneys and other attorneys in their office may issue  
 21 subpoenas in all city fair housing ordinance violations they are investigating  
 22 and may administer oaths for the purpose of taking the testimony of witnesses  
 23 subpoenaed before them. Such oath when administered by the city attorney or  
 24 other attorney in his office shall have the same effect as if administered by  
 25 any other person authorized to administer an oath. The subpoena shall be  
 26 substantially in the following form:

27 'To any sheriff, coroner, or policeman in the state: You are commanded  
 28 to summon . . . . . to attend before the City Attorney at . . . . . on  
 29 . . . . . at . . . . . M, and testify in the matter of an  
 30 investigation then to be conducted by the said City Attorney growing out of a  
 31 representation that . . . . . has violated city fair housing ordinance .  
 32 . . . . . in said City. Witness my hand this . . . . . day of . . . . .  
 33 . . . . ., 19 . . . . .

34 . . . . .  
 35 . . . . ., City Attorney

1           (d) the subpoena provided for in subsection (c) of this section shall  
2 be served in the manner as provided by law and shall be returned, and a record  
3 made and kept, by the City Attorney. The fees and mileage of officers serving  
4 the subpoenas and of witnesses in appearances in answer to the subpoenas shall  
5 be the same, and shall be paid in the same manner, as provided by law for  
6 circuit court witnesses.

7           ~~(e)~~ (e) The failure of any officer to serve the subpoena or of a  
8 witness to appear on the returned date thereof shall constitute a misdemeanor  
9 and be punishable by fine of not less than ten dollars (\$10.00) nor more than  
10 one hundred dollars (\$100) or by imprisonment in the county jail not to exceed  
11 six (6) months, or by both such fine and imprisonment.

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13           SECTION 2. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17           SECTION 3. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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23           SECTION 4. All laws and parts of laws in conflict with this act are  
24 hereby repealed.

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/s/ B. Walker

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