

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/16/09 S3/17/09 S4/2/09

A Bill

HOUSE BILL 1372

5 By: Representatives J. Roebuck, *Harrelson*
6 By: Senator J. Jeffress
7
8

For An Act To Be Entitled

10 AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD
11 OF EDUCATION AND THE PROFESSIONAL LICENSURE
12 STANDARDS BOARD; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO GRANT SUBPOENA POWER TO THE STATE
15 BOARD OF EDUCATION AND THE PROFESSIONAL
16 LICENSURE STANDARDS BOARD.
17
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 4 is amended*
23 *to add an additional section to read as follows:*

24 *6-17-424. Subpoena Powers.*

25 *(a)(1) The following boards shall have the power to issue subpoenas*
26 *and bring before the board as a witness any person in this state:*

27 *(A) Professional Licensure Standards Board, § 6-17-422;*

28 *and*

29 *(B) State Board of Education, § 6-11-101 et seq.*

30 *(2) The Professional Licensure Standards Board or the State*
31 *Board of Education shall by rule provide for the issuance of a subpoena upon*
32 *the request of a party to a proceeding pending before the Professional*
33 *Licensure Standards Board or the State Board of Education or at the request*
34 *of the Professional Licensure Standards Board or the State Board of*
35 *Education.*

36 *(3) The subpoena shall:*



1 (A) Be in the name of either the Professional Licensure
2 Standards Board or the State Board of Education;

3 (B) State the name of the board hearing the proceeding and
4 the name of the proceeding; and

5 (C)(i) Command each person to whom it is directed to give
6 testimony at the time and place specified in the subpoena in one (1) of the
7 following ways:

8 (a) In person;

9 (b) Before a certified court reporter under
10 oath at the place of the witness' residence or employment;

11 (c) By video-taped deposition at the place of
12 the witness' residence or employment; or

13 (d) By live video communications from the
14 witness' residence, place of employment, or a nearby facility capable of
15 providing video transmission to the board hearing the proceeding that has
16 subpoenaed the witness.

17 (ii) The manner of providing testimony under the
18 subpoena shall be conducted by video conference testimony unless another
19 manner is agreed upon by the board or commission and the person who is the
20 subject of the subpoena.

21 (4) The subpoena may require the witness to bring with him or
22 her any book, writing, or other thing under his or her control that he or she
23 is bound by law to produce in evidence.

24 (5) Service of the subpoena shall be in the manner as provided
25 by law or rule for the service of subpoenas in civil cases.

26 (b)(1) A witness who has been served by subpoena under this section
27 and who appears in person to testify at the trial or case pending before the
28 Professional Licensure Standards Board or the State Board of Education shall
29 be reimbursed for travel and attendance as provided by law.

30 (2) If a witness is served with subpoena under this section and
31 fails to provide testimony in obedience to the subpoena, the Professional
32 Licensure Standards Board or the State Board of Education may apply to the
33 circuit court of the county in which the Professional Licensure Standards
34 Board or the State Board of Education is holding the proceeding for an order
35 causing the arrest of the witness and directing that the witness be brought
36 before the court.

