

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 395

By: Senator Faris

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS REGARDING
LEGISLATIVE PROCEEDINGS; TO CLARIFY THE SUBPOENA
POWER OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES AND THE COMMITTEES THEREOF; AND
FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND VARIOUS PROVISIONS
REGARDING LEGISLATIVE PROCEEDINGS.

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

SECTION 1. Arkansas Code § 10-2-105 is amended to read as follows:
10-2-105. Administration of oaths.

(a) The President of the Senate, the President Pro Tempore of the
Senate, and the Speaker of the House of Representatives ~~shall have power to~~
~~may~~ administer all oaths to the members and officers of their respective
houses, ~~and.~~

(b) ~~the~~ The President of the Senate, the President Pro Tempore of the
Senate, the Speaker of the House of Representatives, ~~the Chairman of the~~
~~Committee of the Whole,~~ or the ~~chairman~~ chair of ~~any standing or select a~~
committee of the Senate or of the House of Representatives, or his or her
designee, may administer oaths to witnesses in any case under their
examination.

SECTION 2. Arkansas Code §§ 10-2-301 through 10-2-303 are amended to
read as follows:



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

~~Each house or both houses~~ The Senate and the House of Representatives
meeting separately or in joint meeting may:

(1) ~~cause to be issued~~ Issue the necessary ~~writs~~
subpoenas, and process to summon and compel ~~any a~~ a person ~~charged with any~~
~~offense of which they may have jurisdiction~~ to appear before them or ~~any a~~
committee thereof;

(2) ~~carry~~ Carry into execution their orders and
sentences; and

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

10-2-302. Requests for subpoenas.

Subpoenas for witnesses shall be issued at the request of:

(1) ~~Any member of either house~~ The President of the Senate or
the President Pro Tempore of the Senate on behalf of the Senate; or

(2) ~~The party accused~~ The Speaker of the House of
Representatives on behalf of the House of Representatives; or

(3) ~~Any member of any~~ The chair of a Senate or House committee
or interim joint committee; or

(4) The party accused.

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

(a) All process ~~awarded~~ issued by the House of Representatives and
subpoenas and other process for witnesses ~~where~~ when attendance may be
required ~~therein~~ or before ~~any a~~ a committee ~~thereof~~ shall be under the hand of
the Speaker of the House of Representatives and attested by the Chief Clerk
of the House of Representatives ~~and shall be executed by the Sergeant at Arms~~
~~of the House of Representatives or a special messenger.~~

(b) All ~~such~~ process ~~awarded~~ issued by the Senate or a joint meeting
of both ~~houses~~ the Senate and the House of Representatives shall be under the
hand of the President of the Senate or the President Pro Tempore of the
Senate and attested by the Secretary of the Senate ~~and executed by the~~
~~Sergeant at Arms of the Senate or a special messenger.~~

SECTION 3. Arkansas Code §§ 10-2-306 through 10-2-307 are amended to

1 read as follows:

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

3 (a) The chair or a member at any time acting as chair of ~~any a~~
 4 committee of either house of the General Assembly or joint committee of the
 5 two (2) houses of the General Assembly, or his or her designee, when the
 6 committee is empowered to ~~send~~ issue subpoenas for persons, papers, or
 7 records, shall be fully empowered to administer oaths and to take depositions
 8 for the purpose for which the committee or joint committee ~~may have been~~ is
 9 empowered to ~~send~~ issue subpoenas for persons, papers, or records.

10 (b)(1) If a person subpoenaed to appear before a Senate or House
 11 committee or joint interim committee fails to appear or produce subpoenaed
 12 material, the fact of the refusal to appear or produce subpoenaed material
 13 shall be certified to the circuit court of the county in which the hearing is
 14 held.

15 (2) The circuit court shall punish the person for contempt
 16 of the General Assembly in the same manner as punishment for contempt is
 17 imposed for failure to respond to a subpoena or directive of the circuit
 18 court.

19 (c) Any A person to whom the oath shall have been who is administered
 20 the oath or by whom the deposition shall be is made falsely testifying and
 21 who provides false testimony while under oath ~~or in the deposition shall be~~
 22 ~~deemed is~~ is guilty of perjury and ~~shall be~~ subject to the ~~pains and~~ penalties
 23 ~~thereof as~~ prescribed by law.

24
 25 10-2-307. ~~Summons~~ Subpoena by committee.

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

30
 31 SECTION 4. Arkansas Code § 10-3-208 is amended to read as follows:

32 10-3-208. Subpoenas.

33 Each ~~subject matter interim~~ committee of the Senate or of the House of
 34 Representatives or interim joint committee shall have has the power and
 35 authority upon approval of a majority of the members of the committee to
 36 subpoena persons, documents, and records. ~~However, no action of the~~

~~committee regarding the exercise of the subpoena power shall be taken except
upon notice of at least one (1) week to all members of the committee or upon
a two thirds (2/3) vote of the membership of the committee.~~