

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

A Bill

SENATE BILL 631

4
5 By: Senator Faris
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7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS REGARDING
10 LEGISLATIVE PROCEEDINGS; TO CLARIFY THE SUBPOENA
11 POWER OF THE SENATE AND THE HOUSE OF
12 REPRESENTATIVES AND THE COMMITTEES THEREOF; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND VARIOUS PROVISIONS
16 REGARDING LEGISLATIVE PROCEEDINGS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 10-2-105 is amended to read as follows:
23 10-2-105. Administration of oaths.

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

28 (b) the President of the Senate, The President Pro Tempore of the
29 Senate, the Speaker of the House of Representatives, the Chairman of the
30 Committee of the Whole, or the chairman chair of any standing or select a
31 committee of the Senate or of the House of Representatives, or his or her
32 designee, may administer oaths to witnesses in any case under their
33 examination.
34

35 SECTION 2. Arkansas Code § 10-2-301 is amended to read as follows:
36 10-2-301. Compelling attendance – Orders – Sentences.



1 (a) ~~Each house or both houses~~ The Senate and the House of
2 Representatives meeting separately or in joint meeting may:

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

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

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

10 (b) A subpoena for a witness shall be issued at the request of:

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

13 (2) The President Pro Tempore of the Senate on behalf of the
14 majority of the members of the Senate;

15 (3) The Speaker of the House of Representatives on behalf of the
16 majority of the members of the House of Representatives; and

17 (4) The party accused.

18
19 SECTION 3. Arkansas Code § 10-2-302 is repealed.

20 ~~10-2-302. Requests for subpoenas.~~

21 ~~Subpoenas for witnesses shall be issued at the request of:~~

22 ~~(1) Any member of either house; or~~

23 ~~(2) The party accused; or~~

24 ~~(3) Any member of any committee.~~

25
26 SECTION 4. Arkansas Code § 10-2-303 is amended to read as follows:

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

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

35 (b) All ~~such~~ process ~~awarded~~ issued by the Senate or a joint meeting
36 of ~~both houses~~ the Senate and the House of Representatives shall be under the

1 hand of the ~~President of the Senate~~ President Pro Tempore of the Senate and
 2 attested by the Secretary of the Senate ~~and executed by the Sergeant at Arms~~
 3 ~~of the Senate or a special messenger.~~

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 5 SECTION 5. Arkansas Code §§ 10-2-306 and 10-2-307 are amended to read
 6 as follows:

7 10-2-306. Administration of oaths by committee – Depositions – Perjury.

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

15 (b)(1) If a person subpoenaed to appear before the Senate, the House
 16 of Representatives, or a Senate or House committee or joint interim committee
 17 fails to appear or produce subpoenaed material, the fact of the refusal to
 18 appear or produce subpoenaed material shall be certified to the circuit court
 19 of the county in which the hearing is held.

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

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

29
 30 10-2-307. ~~Summons~~ Subpoena by committee.

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

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 36 SECTION 6. Arkansas Code § 10-3-208 is amended to read as follows:

1 10-3-208. Subpoenas.

2 Each ~~subject matter interim~~ committee of the Senate or of the House of
3 Representatives or interim joint committee ~~shall have~~ has the power and
4 authority upon approval of a majority of the members of the committee to
5 subpoena persons, documents, and records. ~~However, no action of the~~
6 ~~committee regarding the exercise of the subpoena power shall be taken except~~
7 ~~upon notice of at least one (1) week to all members of the committee or upon~~
8 ~~a two thirds (2/3) vote of the membership of the committee.~~

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