

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

As Engrossed: H4/6/09  
**A Bill**

SENATE BILL 631

4  
5 By: Senator Faris  
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8 **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

15 **Subtitle**

16 AN ACT TO AMEND VARIOUS PROVISIONS  
17 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.  
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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.~~

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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.~~

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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~~ shall be under the hand of the ~~President of the Senate~~

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

4 (c) All process issued for a joint meeting of the Senate and the House  
 5 of Representatives shall be under the hand of the:

6 (1) Speaker of the House of Representatives and attested by the  
 7 Chief Clerk of the House of Representatives if the process was requested by a  
 8 member of the House of Representatives or the Speaker of the House; 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 member  
 14 of the House of Representatives, a member of the Senate, the Speaker of the  
 15 House of Representatives, or the President Pro Tempore of the Senate.

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

19 10-2-306. Administration of oaths by committee – Depositions – Perjury.

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

27 (b)(1) If a person subpoenaed to appear before the Senate, the House  
 28 of Representatives, or a Senate or House committee or joint interim committee  
 29 fails to appear or produce subpoenaed material, the fact of the refusal to  
 30 appear or produce subpoenaed material shall be certified to the circuit court  
 31 of the county in which the hearing is held.

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

36 (c) Any A person to whom the oath shall have been who is administered

1 ~~the oath or by whom the deposition shall be~~ is made falsely testifying and  
2 who provides false testimony while under oath ~~or in the deposition shall be~~  
3 ~~deemed~~ is guilty of perjury and ~~shall be~~ subject to the ~~pains and penalties~~  
4 ~~thereof as~~ prescribed by law.

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6 10-2-307. ~~Summons~~ Subpoena by committee.

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

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

13 10-3-208. Subpoenas.

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

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22 /s/ Faris  
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