

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1731

By: Representative Copeland

For An Act To Be Entitled

AN ACT TO REQUIRE THAT TESTIMONY BEFORE A LEGISLATIVE
COMMITTEE BE UNDER OATH; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THAT TESTIMONY BEFORE A
LEGISLATIVE COMMITTEE BE UNDER OATH.

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

SECTION 1. Arkansas Code § 10-2-306 is amended to read as follows:

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

(a)(1)(A) Except as provided in subdivision (a)(4) of this section, a person testifying before a committee or subcommittee of either house of the General Assembly or a joint committee or subcommittee of the two (2) houses of the General Assembly shall first declare that he or she will speak truthfully by taking an oath or affirmation in substantially the following form:

"Do you swear or affirm that the information you are about to share is the truth, the whole truth, and nothing but the truth?".

(B) The person's answer shall be noted in the minutes of the meeting.

(C) The chair of the committee or subcommittee or his or her designee shall administer the oath or affirmation required under subdivision (a)(1) of this section.

(2)(A) In lieu of the oral oath or affirmation under subdivision (a)(1)(A) of this section, the chair of the committee or subcommittee at



issue may require a person testifying before the committee or subcommittee at issue to complete and sign an appearance form before addressing the committee or subcommittee.

(B) On the appearance form required under subdivision (a)(2)(A) of this section, the person shall affirm in writing that he or she will speak the truth, the whole truth, and nothing but the truth when testifying before the committee or subcommittee.

(3) Subdivisions (a)(1) and (2) of this section do not apply to:

(A) A member of the General Assembly testifying in his or her official capacity;

(B) An employee of the Senate, House of Representatives, Bureau of Legislative Research, or Division of Legislative Audit testifying as part of his or her employment; and

(C) A minor, if the chair of the committee or subcommittee at issue determines that the minor is unable to understand the duty to tell the truth or the duty not to lie.

(4) The chair of the committee or subcommittee at issue may elect to waive the requirements of subdivisions (a)(1) and (2) of this section if the expected testimony of the witness does not relate to a material matter.

(5) A person making a false statement, knowing it to be false, regarding a material matter while testifying under oath or affirmation before a committee or subcommittee of either house of the General Assembly or a joint committee or subcommittee of the two (2) houses of the General Assembly is guilty of perjury.

~~(a)(b)(1)~~ The chair or a member at any time acting as chair of a committee of either house of the General Assembly or joint committee of the two (2) houses of the General Assembly, or his or her designee, when the committee is empowered to issue subpoenas for persons, papers, or records, shall be fully empowered to ~~administer oaths and to~~ take depositions for the purpose for which the committee or joint committee is empowered to issue subpoenas for persons, papers, or records.

(2) The chair, member acting as chair, or his or her designee may administer oaths in connection with subdivision (b)(1) of this section.

~~(b)(1)(c)(1)~~ If a person subpoenaed to appear before the Senate, the House of Representatives, or a ~~Senate or House committee or joint interim~~

~~eommittee~~ committee of either house of the General Assembly or a joint committee of the two (2) houses of the General Assembly fails to appear or produce subpoenaed material, the fact of the refusal to appear or produce subpoenaed material shall be certified to the circuit court of the county in which the hearing is held.

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

~~(c) A person who is administered the oath and who provides false testimony while under oath is guilty of perjury and subject to the penalties prescribed by law.~~

SECTION 2. Arkansas Code § 10-2-307 is amended to read as follows:

10-2-307. Subpoena by committee.

~~The committee so empowered~~ A committee of either house of the General Assembly or a joint committee of the two (2) houses of the General Assembly may issue ~~its~~ a subpoena signed by its chair or acting chair for the attendance of witnesses and the production of papers or records, and the subpoena may be served by any officer authorized to serve process in civil cases.