

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1652

By: Representative Wardlaw

For An Act To Be Entitled

AN ACT TO CLARIFY LEGISLATIVE PROCEDURE PERTAINING TO
THE ISSUANCE OF SUBPOENAS AND THE ADMINISTRATION OF
OATHS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY LEGISLATIVE PROCEDURE
PERTAINING TO THE ISSUANCE OF SUBPOENAS
AND THE ADMINISTRATION OF OATHS.

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

SECTION 1. Arkansas Code § 10-2-301 is amended to read as follows:

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

(a)(1) The Senate and the House of Representatives meeting separately or in joint meeting may:

~~(1)~~(A) Issue the necessary subpoenas and process to summon and compel a person to appear before them or ~~a~~ before a legislative committee thereof;

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

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

~~(b)~~(2) A subpoena for a witness shall be issued at the request of:

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

~~(2)~~(B) The President Pro Tempore of the Senate on behalf



of the majority of the members of the Senate;

~~(3)(C)~~ The Speaker of the House of Representatives on behalf of the majority of the members of the House of Representatives; ~~and or~~

~~(4)(D)~~ The party accused.

(b) The following have the power and authority upon approval of a majority of its members to subpoena persons, documents, and records:

(1) A committee of the Senate;

(2) A committee of the House of Representatives;

(3) A joint committee of the General Assembly; and

(4) A legislative task force whose membership consists solely of members of the General Assembly.

(c)(1) If a person subpoenaed to appear before the Senate, the House of Representatives, a Senate or House committee or joint committee, or a legislative task force under subdivision (b)(4) of this section fails to appear or produce subpoenaed documents or records, the fact of the refusal to appear or produce subpoenaed documents or records 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 (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.

(d) If Arkansas law mandates certain requirements for a subpoena issued by a specific legislative committee, those requirements shall be supplemental to the provisions of this subchapter concerning subpoenas.

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

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

(a) All process issued by the House of Representatives and subpoenas and other process for witnesses when attendance may be required in the House or before a committee of the House of Representatives shall be under the hand of the Speaker of the House of Representatives and attested by the Chief Clerk of the House of Representatives.

(b)(1) All process issued by the Senate and subpoenas and other process for witnesses when attendance may be required in the Senate or before a committee of the Senate shall be under the hand of the President Pro Tempore of the Senate and attested by the Secretary of the Senate.

(c) All process issued and subpoenas and other process for witnesses when attendance may be required for a joint meeting of the Senate and the House of Representatives, a joint committee of the General Assembly, or a legislative task force under § 10-2-301(b)(4) shall be under the hand of the:

(1) Speaker of the House of Representatives and attested by the Chief Clerk of the House of Representatives if the process was requested by a member of the House of Representatives or the Speaker of the House of Representatives; or

(2) President Pro Tempore of the Senate and attested by the Secretary of the Senate if the process was requested by:

(A) A member of the Senate;

(B) The President Pro Tempore of the Senate; or

(C) The party accused if the party accused is not a member of the House of Representatives, a member of the Senate, the Speaker of the House of Representatives, or the President Pro Tempore of the Senate.

(d) In addition to the requirements of this section, a subpoena issued under § 10-2-301(b) shall be signed by the chair or acting chair of the committee or legislative task force voting to issue the subpoena.

SECTION 3. Arkansas Code § 10-2-306 is amended to read as follows:

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

(a) ~~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~~ the following, 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:~~

(1) A committee of either house of the General Assembly;

(2) A joint committee of the two (2) houses of the General Assembly; or

(3) A legislative task force whose membership consists solely of members of the General Assembly.

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

~~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) 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.~~

~~(e)(b)~~ 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 4. Arkansas Code § 10-2-307 is repealed.

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

~~The committee so empowered may issue its 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.~~