

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1731

4
5 By: Representative Copeland

For An Act To Be Entitled

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

Subtitle

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

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

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

20 10-2-306. Administration of oaths by committee – Depositions –
21 Perjury.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 14 SECTION 2. Arkansas Code § 10-2-307 is amended to read as follows:
 15 10-2-307. Subpoena by committee.

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