2020 -- H 7298

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO GENERAL ASSEMBLY -- COMMITTEES AND STAFF

Introduced By: Representatives Vella-Wilkinson, Morin, O'Brien, Williams, and Bennett

Date Introduced: January 24, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 22-6-2.1 of the General Laws in Chapter 22-6 entitled "Committees and Staff" is hereby amended to read as follows:

22-6-2.1. Subpoena power.

(a) The standing committees of the house of representatives as established by the rules of the house of representatives and the standing committees of the senate as established by the rules of the senate shall in the performance of their duties have the power upon majority vote of the committee members present and with the written approval of the speaker for committees of the house and with the written approval of the president of the senate for committees of the senate to issue witness subpoenas, subpoenas duces tecum, and orders for the production of books, accounts, papers, records, and documents which shall be signed and issued by the chairperson of the committee, or a person serving in his or her capacity, and shall be returnable to the chairperson. All subpoenas and orders shall be served as subpoenas in civil cases in the superior court are now served, and witnesses so subpoenaed shall be entitled to the same fees for attendance and travel as now provided for witnesses in civil cases in the superior court. If the person subpoenaed to attend before the committee fails to obey the command of the subpoena without reasonable cause, or refuses to be sworn, or to be examined, or to answer a legal and pertinent question, or if any person shall refuse to produce books, accounts, papers, records, and documents material to the issue, set forth in an order duly served on that person, the committee by majority vote of the committee members present may apply to any justice of the superior court,
for any county, upon proof by affidavit of the fact, for a rule or order returnable in not less than
two (2) nor more than five (5) days, directing the person to show cause before the justice who
made the order or any other justice described above why he or she should not be adjudged in
contempt. Upon the return of the orders the justice before whom the matter is brought on for
hearing shall examine under oath that person, and the person shall be given an opportunity to be
heard, and if the justice shall determine that the person has refused without reasonable cause or
legal excuse to be examined or to answer a legal and pertinent question, or to produce books,
accounts, papers, records, and documents material to the issue which he or she was ordered to
bring or produce, the justice may immediately commit the offender to the adult correctional
institutions, there to remain until he or she submits to do the act which he or she was required to
do, or is discharged according to law.

(b) Every witness who is a representative of a state department or agency appearing in
their official capacity or any expert witness that appears before the general assembly or any
committee, subcommittee or commission of the general assembly, shall, before testifying, be
required to declare that they will testify truthfully, by oath or affirmation administered in a form
calculated to awaken the witness’ conscience and impress the witness’ mind with the witness’
duty to do so.

(c) Every person who is a representative of a state department or agency appearing in
their official capacity or any expert witness who is under oath or affirmation who knowingly
makes any false material declaration or makes or uses any other information, including any book,
paper, document, record, recording, or other material, knowing it contains any false material
declaration, shall be deemed guilty of perjury and punished pursuant to § 11-33-6.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AND ACT

RELATING TO GENERAL ASSEMBLY -- COMMITTEES AND STAFF

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1 This act would require all witnesses who are representatives of a state department or
2 agency appearing in their official capacity or any expert witness who is testifying before the
3 general assembly or any committee, subcommittee or commission thereof, to be sworn before
4 testifying. Anyone testifying falsely shall be punished pursuant to § 11-33-6.
5 This act would take effect upon passage.

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