

House Bill 785

By: Representative Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding the General Assembly, so as to provide that committees of the
3 General Assembly shall have the ability to subpoena persons to testify before such
4 committees and produce documents for examination by the committees; to provide for
5 procedures for the issuance of such subpoenas; to provide for the enforcement of such
6 subpoenas; to provide that committees may swear witnesses who appear before such
7 committees; to provide penalties for false testimony before such committees; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding the General Assembly, is amended by adding a new Code Section
13 28-1-18 to read as follows:

14 "28-1-18.

15 (a) The chairperson or acting chairperson of each committee of the Senate and House of
16 Representatives shall be authorized to administer an oath to persons testifying before such
17 committee for such person to swear or affirm that such person shall testify truthfully.

18 (b) If any committee of the Senate or House of Representatives determines that the
19 effective functioning of the committee requires the issuance of compulsory process to
20 secure the attendance of a witness or the production of documents and materials, the
21 chairperson or acting chairperson shall make application in writing to the presiding judge
22 of the Superior Court of Fulton County for the issuance of an appropriate subpoena. Such
23 application shall:

24 (1) Describe in general terms the proceeding for which the issuance of a subpoena is
25 sought;

1 (2) In the case of process to secure the attendance of a witness, identify the witness; the
2 general nature of the questions to be propounded to the witness; and the reasons for
3 believing that the testimony of the witness is likely to be relevant to the proceeding; and

4 (3) In the case of process to secure the production of documents and materials, identify
5 the person to whom the subpoena is to be directed; the general nature of the documents
6 and materials in question; and the reasons for believing that such documents and
7 materials are likely to be relevant to the proceeding.

8 (c) The presiding judge shall act on such application within 48 hours after it is presented
9 to the judge. If the judge finds that the committee is acting within the scope of the
10 authority granted to it and that the testimony or documents or materials sought to be
11 elicited appear to be relevant to the proceeding, the judge may cause an appropriate
12 subpoena to be issued and transmitted to the chairperson or acting chairperson. If the judge
13 deems it necessary or appropriate, the judge may hold a closed or open hearing with respect
14 to his or her determination of this matter.

15 (d) In case of refusal to obey a subpoena issued under this Code section to any person, the
16 Superior Court of Fulton County, upon application by the chairperson or acting
17 chairperson, may issue to the person an order requiring him or her to appear before the
18 court to show cause why he or she should not be held in contempt for refusal to obey the
19 subpoena. Failure to obey a subpoena may be punished by the court as contempt of court.

20 (e) A subpoena issued under this Code section may be served at any place in the state and
21 in any manner authorized in Code Section 24-10-23. Fees and mileage shall be paid and
22 tendered as provided in Code Section 24-10-24, notwithstanding the general exemption of
23 the state from tender of fees and mileage, and shall be in the form of a check issued by the
24 Legislative Fiscal Office upon the written request of the chairperson or acting chairperson.

25 (f) Any decision of the court under this Code section shall be appealable in the same
26 manner as provided by law for the appeal of a final judgment in a civil action.

27 (g)(1) A person to whom a lawful oath or affirmation has been administered commits the
28 offense of false testimony before the General Assembly when, in testifying before a
29 committee of the Senate or the House of Representatives, such person knowingly and
30 willfully makes a false statement material to the issue or point in question.

31 (2) A person convicted of the offense of false testimony before the General Assembly
32 shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less
33 than one nor more than ten years, or both."

34 SECTION 2.

35 All laws and parts of laws in conflict with this Act are repealed.