

House Resolution 335

By: Representatives Butler of the 18<sup>th</sup>, Harbin of the 118<sup>th</sup>, Roberts of the 154<sup>th</sup>, and Levitas of the 82<sup>nd</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the issuance of subpoenas  
 2 by the legislative branch of government to require the testimony of witnesses and the  
 3 production of documents; to provide for related matters; to provide for submission of this  
 4 amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 6 SECTION 1.

7 Article III, Section IV of the Constitution is amended by adding a new Paragraph XII to read  
 8 as follows:

9 "Paragraph XII. *Issuance of subpoenas.* (a) The chairpersons and vice chairpersons of  
 10 the Senate and House appropriations committees may issue subpoenas to witnesses to  
 11 compel them to give sworn testimony or produce documents or both before the  
 12 appropriations committees or the subcommittees thereof. A subpoena issued under this  
 13 Paragraph may be served anywhere in Georgia. Other officers of the General Assembly  
 14 may be authorized by general law to issue subpoenas in the same manner.

15 (b)(1) Any person who willfully fails to comply with a subpoena issued under this  
 16 Paragraph or who, having appeared, refuses to answer any question pertinent to the  
 17 matter under inquiry shall upon conviction be guilty of a misdemeanor.

18 (2) Upon the failure of a person under subpoena to appear or answer pertinent  
 19 questions, the chairperson issuing the subpoena shall make a certification of such fact to  
 20 the appropriate prosecuting attorney who shall have the duty to promptly investigate and  
 21 prosecute any violation of this Paragraph.

22 (c) Service of subpoenas issued under this Paragraph shall be made by any person  
 23 appointed for such purpose by the presiding officer of the Senate or the House of  
 24 Representatives.

25 (d) Witnesses appearing under subpoena shall be entitled to witness fees in the same  
 26 manner as provided by law for witnesses in civil actions in the courts.

27 (e) The Secretary of the Senate and the Clerk of the House of Representatives shall  
28 provide subpoena forms and shall keep permanent records of the issuance of subpoenas,  
29 the return of service thereof, and the issuance of certifications under subparagraph (b)(2)  
30 of this Paragraph."

31 **SECTION 2.**

32 The above proposed amendment to the Constitution shall be published and submitted as  
33 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
34 above proposed amendment shall have written or printed thereon the following:

35 "( ) YES Shall the Constitution of Georgia be amended so as to provide for the  
36 issuance of subpoenas by the legislative branch of government to require the  
37 ( ) NO testimony of witnesses and the production of documents?"

38 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
39 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
40 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
41 become a part of the Constitution of this state.