

House Resolution 165

By: Representatives McLaurin of the 51st, Schofield of the 60th, Kennard of the 102nd, Mitchell of the 106th, Park of the 101st, and others

A RESOLUTION

1 Providing for an inquiry of certain matters related to the Department of Corrections; and for
2 other purposes.

3 WHEREAS, the legislative branch of state government has inherent powers to institute and
4 conduct inquiries in aid of its legislative and government oversight functions, including but
5 not limited to the power to issue and enforce subpoenas for witnesses and documents and to
6 administer oaths to witnesses; and

7 WHEREAS, the rights to investigate any lawful matter and to issue subpoenas are rights
8 separate and distinct in each house and may be exercised by such house or an authorized
9 committee thereof, provided that the matters under investigation by the committee are within
10 the scope of authority that has been delegated to the committee by means of a resolution or
11 rule adopted by its parent house; and

12 WHEREAS, an investigation is needed to evaluate conditions and safety matters in facilities
13 of the Department of Corrections; and

14 WHEREAS, delegating authority to a committee to issue subpoenas for witnesses or
15 documents and to place witnesses under oath or affirmation when testifying before that

16 committee can be a useful tool for seeking the truth and ascertaining the facts in such
17 inquiries; and

18 WHEREAS, it is fitting and proper that, in aid of its legislative function, a proper standing
19 committee shall be authorized to issue subpoenas for witnesses or documents and to place
20 witnesses under oath or affirmation, with regard to an investigation of the Department of
21 Corrections.

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that:

23 (a) A standing committee designated by the Speaker of the House of Representatives shall
24 be authorized to:

25 (1) Investigate:

26 (A) Threats to safety in facilities of the Department of Corrections and their level of
27 severity, including, but not limited to, COVID-19, riots, suicides, and homicides;

28 (B) Whether any conditions in facilities of the Department of Corrections appear to be
29 in violation of the Eighth Amendment to the Constitution of the United States;

30 (C) Whether inadequate state funding is contributing to any failures in adequately
31 addressing threats to safety with facilities of the Department of Corrections; and

32 (D) Internal communications and documents for a showing of matters provided for in
33 subparagraphs (A) through (C) of this paragraph;

34 (2) Issue subpoenas of witnesses and documents for purposes of investigating matters
35 provided for in paragraph (1) of this subsection;

36 (3) Enforce such subpoenas on behalf of the House of Representatives; and

37 (4) Place under oath or affirmation any witness testifying before such committee with
38 regard to such investigation.

39 (b) No subpoena shall be issued pursuant to this resolution unless such subpoena has been
40 approved by the committee and signed and attested by the chairperson of the committee.

41 (c) Any questions posed to subpoenaed witnesses shall be pertinent to the investigation at
42 hand, and the chairperson of the committee shall promptly rule out of order any question
43 to a subpoenaed witness which, in the determination of the chairperson, does not satisfy
44 this requirement.

45 (d) Any sworn or affirmed testimony before the committee shall be recorded for the
46 information of the House of Representatives and may, at the direction of the chairperson
47 of the committee, be transcribed for the same purpose. The cost of recording and
48 transcribing such sworn or affirmed testimony shall be paid from funds appropriated or
49 otherwise made available to the House of Representatives. The chairperson shall cause a
50 complete copy of any transcription of sworn or affirmed testimony to be filed with the
51 Clerk of the House of Representatives not later than 30 days after the receipt of such
52 transcription.