

Senate Bill 255

By: Senator Cowsert of the 46th

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 codify a process for the  
3 authorization of statutory investigatory powers to certain committees of the General  
4 Assembly; to provide for oaths and subpoena powers related to such investigatory powers;  
5 to provide for confidentiality of certain materials; to explicitly preserve any authority,  
6 immunity, privilege, or power granted to or possessed by the General Assembly or its  
7 members; to provide for related matters; to provide an effective date; to repeal conflicting  
8 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 to  
13 read as follows:

14 "28-1-17.

15 (a) The Senate or the House of Representatives may, through rules of procedure or  
16 resolution, authorize one or more committees of such chamber to exercise the investigatory

17 powers provided for in Code Section 45-15-19. The Senate and the House of  
18 Representatives may, through joint resolution or rules of procedure, authorize one or more  
19 joint committees to exercise the investigatory powers provided for in Code  
20 Section 45-15-9.

21 (b) For the purpose of conducting any investigation, a committee that has been authorized  
22 to exercise investigatory powers pursuant to subsection (a) of this Code section shall have  
23 the power to administer oaths; to call any party to testify under oath at such investigation;  
24 to require the attendance of witnesses and the production of books, records, and papers; and  
25 to take the depositions of witnesses. For such purposes, the committee is authorized to  
26 issue a subpoena for any witness or a subpoena to compel the production of any books,  
27 records, or papers consistent with the rules of procedure or resolution enabling such  
28 committee. A subpoena issued under this Code section may be served at any place in this  
29 state and in any manner authorized in Code Section 24-13-24.

30 (c) In case of refusal to obey a subpoena issued under this Code section to any person and  
31 upon application by the committee that has been authorized to exercise investigatory  
32 powers pursuant to subsection (a) of this Code section, the superior court in whose  
33 jurisdiction the witness is to appear or in which the books, records, or papers are to be  
34 produced may issue to that person an order requiring him or her to appear before the court  
35 to show cause why he or she should not be held in contempt for refusal to obey the  
36 subpoena. Failure to obey a subpoena may be punished by the court as contempt of court.

37 (d) When authorized by the rules of procedure or resolution enabling such committee, the  
38 confidential treatment of material and information in the course of investigations and other  
39 proceedings of such committee shall be recognized by law. Such confidential treatment  
40 shall be preserved in proceedings under this Code section as provided in this subsection.  
41 If the application for a subpoena requests confidential treatment, the court shall take any  
42 and all steps necessary or appropriate to preserve the confidentiality of the application. The  
43 court may, but shall not be required to, issue the subpoena in such a manner as to preserve

44 its confidentiality. If the court determines that a subpoena may be issued but confidential  
45 treatment is not warranted under the rules of procedure or resolution enabling such  
46 committee, the judge shall so notify the chairperson or acting chairperson; and the  
47 chairperson or acting chairperson shall then have the option to:

48 (1) Abandon the request for a subpoena, in which case the application shall remain  
49 confidential; or

50 (2) Accept the determination of the court, in which case the subpoena shall issue, but the  
51 application and the issuance shall not be treated as confidential.

52 (e) Nothing in this Code section, Code Section 28-1-16, Code Section 45-15-17, or Code  
53 Section 45-15-19, or in any other section of this Code, is intended to, or shall be interpreted  
54 as, abrogating, modifying, superseding, or in any other way limiting any authority,  
55 immunity, privilege, or power granted to or possessed by the General Assembly, the  
56 Senate, the House of Representatives, any committee of either chamber, any joint  
57 committee, and the members thereof, whether explicitly or implicitly, by the Constitution,  
58 the rules of procedure of either chamber, statutory law, decisional law, or common law and  
59 the General Assembly expressly intends to preserve all such authority, immunity, privilege,  
60 and power. Nor is this Code section in any way intended to, or shall be interpreted as,  
61 abrogating, modifying, superseding, or in any limiting any investigations by, or powers of,  
62 any committees of the Senate or the House of Representatives that were authorized, or to  
63 any subpoenas issued by or other actions taken by any such committee, prior to the  
64 effective date of this Code section."

65 **SECTION 2.**

66 This Act shall become effective upon its approval by the Governor or upon its becoming law  
67 without such approval.

68

**SECTION 3.**

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