

2020 -- H 7298

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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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:

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

3 **22-6-2.1. Subpoena power.**

4 (a) The standing committees of the house of representatives as established by the rules of
5 the house of representatives and the standing committees of the senate as established by the rules
6 of the senate shall in the performance of their duties have the power upon majority vote of the
7 committee members present and with the written approval of the speaker for committees of the
8 house and with the written approval of the president of the senate for committees of the senate to
9 issue witness subpoenas, subpoenas duces tecum, and orders for the production of books,
10 accounts, papers, records, and documents which shall be signed and issued by the chairperson of
11 the committee, or a person serving in his or her capacity, and shall be returnable to the
12 chairperson. All subpoenas and orders shall be served as subpoenas in civil cases in the superior
13 court are now served, and witnesses so subpoenaed shall be entitled to the same fees for
14 attendance and travel as now provided for witnesses in civil cases in the superior court. If the
15 person subpoenaed to attend before the committee fails to obey the command of the subpoena
16 without reasonable cause, or refuses to be sworn, or to be examined, or to answer a legal and
17 pertinent question, or if any person shall refuse to produce books, accounts, papers, records, and
18 documents material to the issue, set forth in an order duly served on that person, the committee by
19 majority vote of the committee members present may apply to any justice of the superior court,

1 for any county, upon proof by affidavit of the fact, for a rule or order returnable in not less than
2 two (2) nor more than five (5) days, directing the person to show cause before the justice who
3 made the order or any other justice described above why he or she should not be adjudged in
4 contempt. Upon the return of the orders the justice before whom the matter is brought on for
5 hearing shall examine under oath that person, and the person shall be given an opportunity to be
6 heard, and if the justice shall determine that the person has refused without reasonable cause or
7 legal excuse to be examined or to answer a legal and pertinent question, or to produce books,
8 accounts, papers, records, and documents material to the issue which he or she was ordered to
9 bring or produce, the justice may immediately commit the offender to the adult correctional
10 institutions, there to remain until he or she submits to do the act which he or she was required to
11 do, or is discharged according to law.

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

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

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO GENERAL ASSEMBLY -- COMMITTEES AND STAFF

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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