

By: Senator(s) Chaney

To: Judiciary

SENATE BILL NO. 2318

1 AN ACT TO AMEND SECTION 5-1-21, MISSISSIPPI CODE OF 1972, TO
2 DEFINE THE CRIME OF CONTEMPT OF THE LEGISLATURE, AND TO PROVIDE
3 PENALTIES, VENUE AND PROCEDURES FOR THE PROSECUTION OF THE CRIME;
4 TO REPEAL SECTION 5-1-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
5 FOR PROCEEDINGS AGAINST RECALCITRANT WITNESSES BY THE LEGISLATURE;
6 AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 5-1-21, Mississippi Code of 1972, is
9 amended as follows:

10 5-1-21. (1) A subpoena requiring the attendance of any
11 witness before either house of the Legislature, or a committee,
12 subcommittee or joint committee thereof, may be issued by the
13 presiding officer or the chairman of any committee before which
14 the attendance of the witness is desired. Such subpoena may be
15 served by any person who might be a witness in the matter of its
16 service, and his affidavit that he delivered a copy to the witness
17 shall be evidence of service.

18 (2) Whenever either the Senate or the House of
19 Representatives, or any committee thereof, or any joint committee
20 of the Legislature or any subcommittee of a committee or joint
21 committee, issues a subpoena for any person to appear or provide
22 records in any matter under review or investigation, such person
23 shall be guilty of criminal contempt of the Legislature if such
24 person:

25 (a) Willfully defaults by failing to appear or to
26 produce papers or records as ordered; or

27 (b) Having appeared, refuses to take the oath or
28 affirmation of the witness; or



29 (c) Having appeared, refuses to answer any question
30 pertinent to the question under inquiry.

31 (3) Whenever any act alleged to constitute contempt of the
32 Legislature as defined in subsection (2) of this section occurs
33 before either the Senate or the House of Representatives, a
34 committee, subcommittee or joint committee, such act shall be
35 reported, by resolution, to the President of the Senate or the
36 Speaker of the House. In the case of a joint committee, the
37 contempt shall be reported to the presiding officer of the
38 chairperson's house. The resolution shall include:

39 (a) The date of issuance of any subpoena which was
40 willfully disregarded or the false information provided to the
41 committee or legislative body;

42 (b) The purpose for which the subpoena was issued, if a
43 subpoena was issued and a listing of any documents, papers,
44 records, listed in the subpoena;

45 (c) The name and address of the person or persons to
46 whom the subpoena was directed if a subpoena was issued, or in the
47 case of a firm, corporation, association, partnership or other
48 entity, public or private, the name and address of the person or
49 persons responsible for providing information or testimony;

50 (d) The name and address of the person or persons who
51 provided false information to the legislative committee or body,
52 if false information was provided, or the names and addresses of
53 any person who refused to answer questions or provide information
54 when directed to do so;

55 (e) If false information was willfully provided, a
56 complete recitation of the false information, and the committee or
57 legislative body's reason for concluding that the information
58 provided was false;

59 (f) If any person or persons refused to answer
60 questions or refused to provide information, a complete recitation
61 of all questions not answered or information not provided;



62 (g) A prayer for relief directed to the Chancery Court
63 of the First Judicial District of Hinds County; and

64 (h) The signature of the presiding officer of the
65 legislative committee or body voting in favor of the resolution.
66 Following the report, the President of the Senate or the Speaker
67 of the House shall certify to the prosecuting attorney for the
68 county where venue lies, the occurrence of the alleged contempt of
69 the Legislature.

70 Following certification, the county prosecutor shall bring
71 criminal proceedings against the person alleged to be in contempt
72 of the Legislature.

73 (4) Whenever any person is found guilty of criminal contempt
74 of the Legislature, such person shall be fined an amount of not
75 more than One Thousand Dollars (\$1,000.00) and imprisoned for a
76 term not to exceed six (6) months.

77 (5) The penalties provided in this section are supplemental
78 to any other criminal penalties or civil remedies provided for
79 under the laws and Constitution of the State of Mississippi.

80 (6) For purposes of this section, proper venue lies in any
81 county wherein the alleged act constituting contempt occurred.

82 **SECTION 2.** Section 5-1-23, Mississippi Code of 1972, which
83 provides for proceedings against recalcitrant witnesses by the
84 Legislature, is hereby repealed.

85 **SECTION 3.** This act shall take effect and be in force from
86 and after its passage.

