

By: Senator(s) Robinson, Seymour

To: Judiciary, Division B

SENATE BILL NO. 2833

1 AN ACT TO CREATE SECTION 5-3-70, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR CIVIL ENFORCEMENT OF PEER COMMITTEE SUBPOENAS; TO
3 AMEND SECTION 5-3-59, MISSISSIPPI CODE OF 1972, TO PROVIDE
4 CRIMINAL PENALTIES FOR PERSONS WHO FAIL TO COMPLY WITH SUBPOENAS
5 FROM THE PEER COMMITTEE; TO AMEND SECTIONS 5-1-23 AND 5-1-25,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THESE PROVISIONS ARE NOT
7 APPLICABLE TO SUBPOENAS ISSUED BY THE PEER COMMITTEE; TO AMEND
8 SECTION 5-1-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
9 SERGEANT-AT-ARMS OF THE MISSISSIPPI STATE SENATE SHALL SERVE
10 SUBPOENAS ISSUED BY THE PEER COMMITTEE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section
13 5-3-70, Mississippi Code of 1972:

14 5-3-70. (1) (a) As an alternative to a criminal proceeding
15 as provided in Section 53-3-59, in any instance wherein a witness
16 fails to respond to the lawful subpoena of the PEER Committee at
17 any time or, having responded, fails to answer all lawful
18 inquiries or to turn over evidence that has been subpoenaed, the
19 committee may seek judicial enforcement of the process as provided
20 in paragraph (b) of this subsection.

21 (b) The chairman, in the name of the committee, may
22 file a complaint before any chancery court of the state setting up



23 such failure on the part of the witness. On the filing of such a
24 complaint, the court shall take jurisdiction of the witness and
25 the subject matter of the complaint and shall direct the witness
26 to respond to all lawful questions and to produce all documentary
27 evidence in the possession of the witness that is lawfully
28 demanded. The failure of a witness to comply with the order of
29 the court constitutes contempt of court and the court shall punish
30 the witness as provided in Section 9-1-17.

31 (c) The PEER Committee may utilize the Office of the
32 Attorney General to bring a civil enforcement action or may
33 utilize contract counsel to commence an enforcement action
34 authorized in this subsection.

35 (2) The provisions of this section are hereby declared to be
36 supplemental to the powers of the Legislature and of the Senate
37 and House of Representatives to punish for contempt, and the
38 Legislature hereby reserves to itself and to the Senate and the
39 House of Representatives all inherent and all constitutional
40 powers to punish for contempt.

41 **SECTION 2.** Section 5-3-59, Mississippi Code of 1972, is
42 amended as follows:

43 5-3-59. The committee, while in the discharge of official
44 duties, shall have the following additional powers:

45 (a) To subpoena and examine witnesses; to require the
46 appearance of any person and the production of any paper or
47 document; to order the appearance of any person for the purpose of



48 producing any paper or document; and to issue all process
49 necessary to compel such appearance or production. When such
50 process has been served, the committee may compel obedience
51 thereto by the attachment of the person, papers or records
52 subpoenaed; and if any person shall willfully refuse to appear
53 before such committee or to produce any paper or record in
54 obedience to any process issued by the committee and served on
55 that person, he or she shall be guilty of contempt of the * * *
56 committee, and shall be punished by a fine of not more than One
57 Thousand Dollars (\$1,000.00), by imprisonment in the county jail
58 for not more than six (6) months, or both.

59 (b) To administer oaths to witnesses appearing before
60 the committee when, by a majority vote, the committee deems the
61 administration of an oath necessary and advisable as provided by
62 law.

63 (c) To determine that a witness has perjured himself or
64 herself by testifying falsely before the committee, and to
65 institute penal proceedings as provided by law.

66 (2) (a) Whenever facts alleged to constitute contempt under
67 paragraph (a) of subsection (1) arise, the chairman of the
68 committee shall certify a statement to this effect to the Attorney
69 General or to the appropriate county prosecuting attorney who
70 shall institute and prosecute a criminal proceeding against the
71 accused for contempt under the provisions of this section.



72 (b) Any offense defined in paragraph (a) of subsection
73 (1) shall be deemed to have been committed in any of the following
74 counties, and the trial for the offense may take place in any of
75 such counties:

76 (i) In the county where the subpoena was issued;

77 (ii) In the county where the offender was served
78 with the subpoena; or

79 (iii) In the county where the subpoena ordered the
80 offender to give testimony or to produce papers or other evidence.

81 **SECTION 3.** Section 5-1-23, Mississippi Code of 1972, is
82 amended as follows:

83 5-1-23. (1) If any witness neglects or refuses to obey a
84 subpoena, or, appearing, refuses to testify, the senate or house
85 may, by a resolution entered on its journal, commit him or her for
86 contempt, the commitment not to extend beyond the final
87 adjournment of the session; and any witness neglecting and
88 refusing to attend in obedience to a subpoena may be arrested by
89 the sergeant-at-arms and brought before the senate or house; and a
90 copy of the resolution of the senate or house, signed by the
91 presiding officer thereof, and attested by the secretary or clerk,
92 shall be sufficient authority to authorize such arrest.

93 (2) The provisions of this section shall not apply to any
94 subpoena or other process issued by the Joint Legislative
95 Committee on Performance Evaluation and Expenditure Review (PEER)
96 as provided for in Sections 1 and 2 of this act.



97 **SECTION 4.** Section 5-1-25, Mississippi Code of 1972, is
98 amended as follows:

99 5-1-25. (1) A person sworn and examined as a witness before
100 either house, without procurement or contrivance, on his or her
101 part, shall not be held to answer criminally, or be subject to any
102 penalty or forfeiture for any fact or act touching which he or she
103 is required to testify; nor shall any statement made, or book,
104 document, or paper produced by any such witness be competent
105 evidence in any criminal proceeding against such witness other
106 than for perjury in delivering his or her evidence; nor shall such
107 witness refuse to testify to any fact or to produce any book,
108 document, or paper touching which he or she is examined, on the
109 ground that he or she thereby will criminate himself or herself,
110 or that it will tend to disgrace him or her or render him or her
111 infamous.

112 (2) The immunity conferred by subsection (1) of this section
113 shall not apply to any person who testifies or produces any book,
114 document, or paper required to comply with a subpoena of the Joint
115 Legislative Committee on Performance Evaluation and Expenditure
116 Review. The committee may, by a majority vote of the members of
117 both houses, offer a person or persons such immunity.

118 **SECTION 5.** Section 5-1-35, Mississippi Code of 1972, is
119 amended as follows:

120 5-1-35. (1) The Sergeant-at-Arms of the Senate shall give a
121 general supervision, under the direction of the presiding officer.



He or she shall attend the sittings thereof, preserve order, execute its commands and all process issued by its authority, and shall have control of the doorkeeper. He or she shall see that the hall of the senate and the committee rooms and the room of its presiding officer, the anterooms, lobbies and galleries thereof, are clean, comfortable and lighted at night during the sitting of the senate, and that all necessary conveniences are supplied to the members, officers and committees.

(2) The sergeant-at-arms shall upon request of the Joint Legislative Committee on Performance Evaluation and Expenditure Review serve any committee process provided for by this act.

SECTION 6. This act shall take effect and be in force from and after July 1, 2025.

