

1 SB366
2 184954-1
3 By Senators Williams, Singleton, Albritton and Sanders
4 RFD: Judiciary
5 First Read: 11-APR-17

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8 SYNOPSIS: Under existing law, there is no specific
9 provision for compelling testimony or the
10 production of evidence in an impeachment proceeding
11 of the House of Representatives or the Senate.

12 This bill would authorize the House of
13 Representatives and the Senate to issue subpoenas
14 to compel the attendance and testimony of witnesses
15 and the production of documents before either house
16 of the Legislature during impeachment proceedings,
17 would provide for enforcement of the subpoenas, and
18 would provide penalties for individuals failing to
19 comply with the subpoenas or who engage in
20 disorderly conduct during the proceedings.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to impeachment; to authorize the House of
27 Representatives and the Senate to issue subpoenas to compel

1 the attendance and testimony of witnesses and the production
2 of documents during impeachment proceedings; to provide for
3 the enforcement of the subpoenas; to provide penalties for
4 failure to comply with a subpoena; and to provide penalties
5 for disorderly conduct during proceedings.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) (1) During any impeachment proceeding
8 of the House or Senate, including any related investigation or
9 action by a committee of either house, a person may be
10 compelled, by subpoena, to appear and give testimony as a
11 witness and to produce documents or evidence before the
12 appropriate house or committee.

13 (2) The subpoena shall be signed by the presiding
14 officer of the appropriate house or the chair of the committee
15 before whom the person is to appear or to whom documents are
16 to be produced.

17 (3) A subpoena issued under this section shall be
18 served in the same manner as subpoenas from courts.

19 (b) (1) A person neglecting or refusing to appear, to
20 testify, or to produce documents or evidence, when subpoenaed
21 under this section, may be arrested by any law enforcement
22 officer, by a warrant under the signature of the presiding
23 officer of the appropriate house or the chair of the committee
24 before whom the person is to appear or to whom documents are
25 to be produced, and taken before the proper house or committee
26 and compelled to give testimony or produce documents or other
27 evidence.

1 (2)a. A person who fails to comply with a subpoena
2 issued under this section or a person engaging in disorderly
3 conduct during any impeachment proceeding of the House or
4 Senate, or any committee thereof, may be imprisoned upon
5 warrant signed by the presiding officer of the appropriate
6 house or the chair of the committee before whom the person was
7 to appear or produce documents and countersigned by the
8 secretary or clerk, and may be directed to the custody of the
9 Sheriff of Montgomery County, commanding him or her to commit
10 the person to the custody of the county jail until the
11 prisoner is duly discharged.

12 b. If a person is imprisoned for a refusal to answer
13 any question as a witness or to obey an order of the house or
14 a committee, the warrant may direct that the person be
15 returned to the house or a committee at a specified time, not
16 exceeding 24 hours from the time of commitment, or it may
17 direct that he or she be imprisoned until he or she expresses
18 willingness to obey the requirements of the house or
19 committee, at which time he or she shall be returned to the
20 house or committee by the sheriff. No person may be imprisoned
21 under this subdivision beyond the time of the conclusion of
22 the impeachment proceeding in the particular house or
23 committee.

24 (c) The punishment of any person, by either house or
25 committee, under subdivision (b) (2) is not a bar to any other
26 proceeding, civil or criminal, for the same offense.

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.