

Senate Bill 255

By: Senator Cowser of the 46th

AS PASSED

**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

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

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

(c) When authorized by the rules of procedure or resolution enabling such committee, the confidential treatment of material and information in the course of investigations and other proceedings of such committee shall be recognized by law. Such confidential treatment shall be preserved in proceedings under this Code section and as provided in paragraph (2) of subsection (d) of this Code section.

(d)(1) In case of refusal to obey a subpoena issued under this Code section to any person and upon application by the committee that has been authorized to exercise investigatory powers pursuant to subsection (a) of this Code section, the superior court in whose jurisdiction the witness is to appear or in which the books, records, or papers are to be produced may issue to that person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished by the court as contempt of court.

(2) If the application for a subpoena requests confidential treatment, the court shall take any and all steps necessary or appropriate to preserve the confidentiality of the

application. The court may, but shall not be required to, issue the subpoena in such a manner as to preserve its confidentiality. If the court determines that a subpoena may be issued but confidential treatment is not warranted under the rules of procedure or resolution enabling such committee, the judge shall so notify the chairperson or acting chairperson; and the chairperson or acting chairperson shall then have the option to:

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

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

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

SECTION 2.

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

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SECTION 3.

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