

HB 2374 -- OFFENSES COMMITTED AGAINST A BODY OF THE GENERAL ASSEMBLY

SPONSOR: Vescovo

This bill specifies that, when a person is called to testify or provide information at a proceeding before a body of the General Assembly, a court must issue, upon request from a duly authorized representative of the body, an order requiring the person to testify or provide information if the person refuses to do so on the basis of the person's privilege against self-incrimination. Before issuing such an order, a court must find that the request for the order has been approved by a vote of a majority of the members of the body requesting the order. If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide information and the person presiding over the proceeding informs the witness that an order requiring the testimony or production of information was issued, the witness must not refuse to comply with the order on the basis of the asserted privilege. However, no testimony or information compelled under the order may be used against the witness in any criminal proceeding other than perjury, giving a false statement, or otherwise failing to comply with the order.

If a witness summoned by a body of the General Assembly willfully fails to appear, refuses to answer any pertinent questions, or fails to produce required documents, a statement of facts regarding such failure may be reported to and filed with the President Pro Tem of the Senate or the Speaker of the House. Either the President Pro Tem or the Speaker may certify the statement of facts to the prosecuting or circuit attorney having jurisdiction. The Attorney General will have concurrent original jurisdiction to commence a criminal action throughout the state. If the Attorney General and the prosecuting or circuit attorney refuse to prosecute, the court must appoint independent counsel upon the request of the President Pro Tem or the Speaker.

The bill also specifies that:

- (1) The offense of perjury is a class D felony if it is committed in any proceeding before a body of the General Assembly;
- (2) The offense of making a false affidavit is a class E felony when it is done in any proceeding before a body of the General Assembly;
- (3) The offense of interference with a legal process is a class E felony if the process, which includes any process or order of a public body, if the process is a subpoena issued by the House of

Representatives or the Senate;

(4) The offense of tampering with a witness or victim is a class D felony when the witness is a witness in a proceeding before a body of the General Assembly;

(5) The offense of acceding to corruption when the person is a witness or prospective witness in a proceeding before a body of the General Assembly is a class D felony;

(6) A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders, or perverts the performance of a governmental function by the use or threat of harm, intimidation, or coercion. The offense of obstructing government operations if committed against a body of the General Assembly is a class E felony.