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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2277 Session of  
2018

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INTRODUCED BY DUSH, BARRAR, BERNSTINE, COX, IRVIN, KAUFFMAN,  
MILLARD, RYAN, STAATS, STEPHENS, TALLMAN AND MOUL,  
MAY 7, 2018

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REFERRED TO COMMITTEE ON RULES, MAY 7, 2018

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AN ACT

1 Amending Title 46 (Legislature) of the Pennsylvania Consolidated  
2 Statutes, providing for subpoena powers of committees.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Title 46 of the Pennsylvania Consolidated  
6 Statutes is amended by adding a part to read:

7 PART III

8 COMMITTEES

9 Chapter

10 21. Preliminary Provisions (Reserved)

11 23. Powers and Duties

12 CHAPTER 21

13 PRELIMINARY PROVISIONS

14 (Reserved)

15 CHAPTER 23

16 POWERS AND DUTIES

17 Sec.

1 2301. Definitions.

2 2302. Subpoena.

3 § 2301. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Committee." A standing committee of either house of the  
8 General Assembly.

9 "Employer." As defined in section 2 of the Whistleblower  
10 Law.

11 "Public body." As defined in section 2 of the Whistleblower  
12 Law.

13 "Waste." As defined in section 2 of the Whistleblower Law.

14 "Whistleblower Law." The act of December 12, 1986 (P.L.1559,  
15 No.169), known as the Whistleblower Law.

16 "Wrongdoing." As defined in section 2 of the Whistleblower  
17 Law.

18 § 2302. Subpoena.

19 (a) Power.--Each committee shall have the power to issue a  
20 subpoena under the hand and seal of the committee chair  
21 commanding a person to do any of the following:

22 (1) Appear before the committee and answer questions  
23 concerning matters properly being inquired into by the  
24 committee, including wrongdoing or waste by a public body or  
25 an instance of waste by any other employer.

26 (2) Produce a book, paper, record, document and data and  
27 information produced and stored by an electronic data  
28 processing system as the committee deems necessary.

29 (b) Service.--A subpoena under subsection (a) may be served  
30 upon a person and shall have the force and effect of a subpoena

1 issued by a court of this Commonwealth.

2 (c) Penalty.--In addition to imprisonment under subsection  
3 (d), a person who willfully neglects or refuses to testify  
4 before the committee or to produce a book, paper, record,  
5 document or data and information produced and stored by an  
6 electronic data processing system shall be subject to the  
7 penalties provided by the laws of this Commonwealth.

8 (d) Imprisonment.--

9 (1) If a person subpoenaed under this section refuses to  
10 be sworn or affirmed or refuses to render an answer to each  
11 legal question asked of the person, a committee chair of a  
12 standing committee of the Senate may notify the President pro  
13 tempore of the Senate, and a committee chair of a standing  
14 committee of the House of Representatives may notify the  
15 Speaker of the House of Representatives. The President pro  
16 tempore of the Senate or the Speaker of the House of  
17 Representatives receiving the notification may issue to the  
18 Sergeant-at-Arms of the appropriate house of the General  
19 Assembly a warrant of commitment to the Dauphin County Prison  
20 for that person. The administrators of the Dauphin County  
21 Prison shall confine the person until discharged and the  
22 expense of the imprisonment shall be paid from money in the  
23 State Treasury not otherwise appropriated.

24 (2) If a person committed under paragraph (1) continues  
25 to refuse to swear or affirm or to testify, the President pro  
26 tempore of the Senate or the Speaker of the House of  
27 Representatives who ordered the commitment may order the  
28 detention of the person until the next succeeding legislature  
29 has met and the officer succeeding the officer who originally  
30 ordered the commitment orders further detention or discharge.

1     (e) Oaths and affirmations.--Each member of the committee  
2 shall have power to administer an oath and affirmation to a  
3 witness appearing before the committee.

4     (f) Deposition.--The committee may require the deposition of  
5 a witness residing within or without the Commonwealth to be  
6 taken in the manner prescribed by law for taking a deposition in  
7 a civil action.

8     Section 2. This act shall take effect in 60 days.