RECALLED

April 18, 2012

**H. 5104**

Introduced by Reps. McLeod and Harrison

S. Printed 4/18/12--H.

Read the first time March 29, 2012.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO REQUIRE ALL TESTIMONY GIVEN TO A COMMITTEE OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY MUST BE UNDER OATH AND TO CREATE THE OFFENSES OF CONTEMPT OF THE GENERAL ASSEMBLY AND CRIMINAL CONTEMPT AND PROVIDE A PENALTY FOR A VIOLATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 2

Testimony before the General Assembly

Section 2‑2‑10. All testimony given to a committee or subcommittee of either house of the General Assembly must be under oath.

Section 2‑2‑20. A person who appears before a committee or subcommittee of either house of the General Assembly, and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of, or pleads guilty to, contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

Section 2‑2‑30. A person who appears before a committee or subcommittee of either house of the General Assembly must be given the benefit of any privilege which he may have claimed in court as a party to a civil action.

Section 2‑2‑40. When a person violates Section 2‑2‑20 it is the duty of the chair of the committee or subcommittee before which the false, misleading, or incomplete testimony was given, to notify the Attorney General of South Carolina who shall cause charges to be filed in the appropriate county.

Section 2‑2‑50. (A) A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

(1) fails or refuses to attend without lawful excuse;

(2) refuses to be sworn;

(3) refuses to answer any material and proper question; or

(4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his control which constitute material and proper evidence.

(B) A person who is convicted of, or pleads guilty to, criminal contempt as provided in this chapter is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.”

SECTION 2. This act takes effect upon approval by the Governor.

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