INTRODUCED

May 18, 2016

**H. 5368**

Introduced by Rep. W.J. McLeod

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Read the first time May 18, 2016.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 6 TO TITLE 2 SO AS TO ALLOW TESTIMONY GIVEN TO A COMMITTEE OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY TO BE UNDER OATH AND TO CREATE THE OFFENSE OF CONTEMPT OF THE GENERAL ASSEMBLY AND PROVIDE PENALTIES FOR VIOLATIONS.

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 6

Testimony before the General Assembly

Section 2-6-10. Testimony given to a committee or subcommittee of either house of the General Assembly may be under oath.

Section 2-6-20. 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 violates the provisions of this section must be punished as follows:

(1) for a first offense, is guilty of a misdemeanor and must be fined not less than one hundred dollars or imprisoned not more than six months, or both; and

(2) for a second or subsequent offense, is guilty of a felony and must be fined in the discretion of the court or imprisoned not more than five years, or both.

Section 2-6-30. 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 or criminal action.

Section 2-6-40. When the majority of the committee or subcommittee believes that a person wilfully gave false, materially misleading, or materially incomplete testimony to the committee or subcommittee under oath, the chair of the committee or subcommittee may refer the matter to the South Carolina Law Enforcement Division for an investigation. The South Carolina Law Enforcement Division may then refer the matter to the South Carolina Attorney General’s Office for proper disposition or may cause charges to be filed.”

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

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