

Senate Engrossed

~~legislative subpoenas; records; penalties~~
legislative subpoena; records; privilege

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1408

AN ACT

AMENDING TITLE 41, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1134; AMENDING SECTION 41-1152, ARIZONA REVISED
STATUTES; RELATING TO THE LEGISLATURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 7, article 3, Arizona Revised
3 Statutes, is amended by adding section 41-1134, to read:

4 41-1134. Legislative investigations; authority

5 THE LEGISLATURE'S PLENARY AUTHORITY TO CONDUCT AN INVESTIGATION ON
6 ANY MATTER MAY NOT BE INFRINGED BY ANY OTHER LAW.

7 Sec. 2. Section 41-1152, Arizona Revised Statutes, is amended to
8 read:

9 41-1152. Immunity of witnesses; election records

10 A. Testimony or evidence produced pursuant to this article may not
11 be admitted in evidence or used in any manner in any criminal prosecution
12 against a natural person sworn and examined before either house of the
13 legislature or any committee of either house, except for perjury, false
14 swearing, tampering with physical evidence or any other offense committed
15 in connection with an appearance required by section 41-1151 if it
16 constitutes either the compelled testimony or the private papers of such
17 person ~~which~~ THAT would be privileged evidence pursuant to the fifth
18 amendment of the Constitution of the United States or article II, section
19 10, ~~of the~~ Constitution of Arizona, and such person claimed the privilege
20 against self-incrimination and a majority of the committee, after
21 consultation with the attorney general, votes to order such person to
22 testify or produce such papers.

23 B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION AND
24 NOTWITHSTANDING ANY OTHER LAW, COUNTY ELECTION EQUIPMENT, SYSTEMS AND
25 RECORDS AND OTHER INFORMATION THAT IS UNDER THE CONTROL OF COUNTY
26 PERSONNEL MAY NOT BE DEEMED PRIVILEGED INFORMATION, CONFIDENTIAL
27 INFORMATION OR OTHER INFORMATION PROTECTED FROM DISCLOSURE, ARE SUBJECT TO
28 SUBPOENA AND MUST BE PRODUCED. A COURT MAY COMPEL A PERSON TO PRODUCE THE
29 RECORDS THAT ARE SUBJECT TO THE SUBPOENA.

30 Sec. 3. Retroactivity

31 This act applies retroactively to from and after December 31, 2019.