



ARIZONA STATE SENATE

Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1575

legislative subpoenas; disobedience

Purpose

States that a witness who refuses to obey a legislative subpoena is guilty of a class 2 misdemeanor, and allows the Sergeant-at-Arms to detain, rather than arrest, a witness in accordance with a resolution.

Background

A subpoena may be issued by the presiding officer of either the Senate or the House of Representatives or the chairman of any committee before whom the attendance of a witness is desired. The subpoena is sufficient if it states whether the proceeding is before the Senate, House of Representatives or a committee, is addressed to the witness, requires the attendance of the witness at a certain time and place, and is signed by either presiding officer or a committee chairman. The subpoena may be served and returned in like manner as civil process ([A.R.S. § 41-1151](#)).

If a witness neglects or refuses to obey a legislative subpoena, or, if appearing, neglects or refuses to testify, the Senate or the House of Representatives may commit the witness for contempt by resolution entered in the Journal. A witness neglecting or refusing to attend in obedience to a subpoena may be arrested by the Sergeant-at-Arms and brought before the Senate or House of Representatives on authority of a copy of the resolution signed by the President of the Senate or the Speaker of the House of Representatives, and counter-signed by the Secretary or Chief Clerk ([A.R.S. § 41-1153](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that a witness who neglects or refuses to obey a legislative subpoena is guilty of a class 2 misdemeanor, rather than subject to a commitment of contempt by the Senate and House of Representatives.
2. Allows the Sergeant-at-Arms to detain, rather than arrest, a witness who neglects or refuses to obey a legislative subpoena, on authority of a resolution.
3. Makes technical changes.
4. Becomes effective on the general effective date.