**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4199**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bannister, J.E. Smith, Herbkersman, Simrill, Pope, Quinn, Atwater, J.R. Smith, McLeod, Brannon, Agnew, McCoy, Bingham, Sellers, Patrick, Corbin, Hearn, Skelton, Spires, Tallon, Huggins, Anthony, Ballentine, Barfield, Battle, Bowen, Brady, R.L. Brown, Cobb‑Hunter, Cole, Delleney, Erickson, Funderburk, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Hiott, Hixon, Horne, Hosey, Howard, Limehouse, Loftis, Lucas, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, Norman, Owens, Pitts, Rutherford, Ryan, Sabb, Sandifer, G.M. Smith, Sottile, Stavrinakis, Stringer, Taylor, Thayer, Weeks, Whipper, White, Willis and Young

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Introduced in the House on May 11, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Truth in Government Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/11/2011 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj%20archive\2011\05-11-11.docx))

5/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h:\hj%20archive\2011\05-11-11.docx))

**VERSIONS OF THIS BILL**

[5/11/2011](file:///p:\pprever\2011-12\4199_20110511.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “TRUTH IN GOVERNMENT ACT”; TO AMEND SECTION 2‑69‑30, RELATING TO THE AUTHORITY OF COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES TO ADMINISTER OATHS AND AFFIRMATIONS AND TAKE TESTIMONY, SO AS TO REQUIRE PERSONS WHO TESTIFY BEFORE A COMMITTEE OR SUBCOMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES TO DO SO UNDER OATH OR AFFIRMATION AND TO PROVIDE THAT WILFUL PRESENTMENT OF FALSE, MATERIALLY MISLEADING, OR MATERIALLY INCOMPLETE TESTIMONY UNDER OATH OR AFFIRMATION IN A PROCEEDING IN THE SENATE OR HOUSE OF REPRESENTATIVES BE TREATED AS PERJURY; AND TO AMEND SECTION 16‑9‑10, RELATING TO PERJURY, TO EXPRESSLY INCLUDE COMMITTEE OR SUBCOMMITTEE PROCEEDINGS IN THE SENATE OR HOUSE OF REPRESENTATIVES IN THE PURVIEW OF THE STATUTE.

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

SECTION 1. This act may be cited as the “Truth in Government Act”.

SECTION 2. Section 2‑69‑30 of the 1976 Code is amended to read:

“Section 2‑69‑30. (A) ~~The~~ A committee or subcommittee, in the discharge of its duties, may administer oaths and affirmations, take depositions, and receive testimony and evidence as necessary in connection with its work, study, or investigation.

(B) A person, other than a member of the Senate or the House of Representatives, only may testify to a committee or subcommittee of the Senate or House of Representatives if the testimony is given under oath or affirmation.

(C) A person who wilfully gives false, materially misleading, or materially incomplete testimony under oath or affirmation in a proceeding in the Senate or House of Representatives is guilty of perjury and, upon conviction, must be punished in accordance with the provisions of Section 16‑9‑10.”

SECTION 3. Section 16‑9‑10 of the 1976 Code is amended to read:

“Section 16‑9‑10. (A)(1) It is unlawful for a person to wilfully give false, materially misleading, or materially incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State; or to a committee or subcommittee in the Senate or House of Representatives.

(2) It is unlawful for a person to wilfully give false, materially misleading, or materially incomplete information on a document, record, report, or form required by the laws of this State.

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

(C) A person may be convicted ~~under~~ pursuant to this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement.”

SECTION 4. This act takes effect upon approval by the Governor.

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