

**CHAPTER 3.****LEGISLATIVE PROCEDURE****Arrangement of Sections****Section****§301.** Short title.**§302.** Power to take testimony.**§303.** Form of process.**§304.** Service of process.**§305.** Compensation of serving Officers and witnesses.**§306.** Oaths of witnesses.**§307.** Privilege of witnesses.**§308.** Refusal of witness to make oath or affirmation or to testify or to produce papers. perjury.**§309.** Prosecution of witnesses failing to testify or produce records.**§310.** Interference with service of process.**§311.** Interim Committee.

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An Act to establish legislative procedure for the Nitijela of the Marshall Islands.

Commencement:	November 21, 1968
Source:	D.L. 15-38 (1968)
	M.I. Code(1975)

**§301. Short title.**

This Act may be cited as the "Legislative Procedure Act 1968".

**§302. Power to take testimony.**

The Speaker or other presiding officer of the Nitijela of the Marshall Islands, and the Chairman or Acting Chairman of a committee of the whole, or of any committee of the Nitijela, including, but not limited to, any special committee and the holdover committee, may issue subpoenas and subpoenas duces tecum requiring the attendance of witnesses or the production of books, documents, records, or other evidence, in any matter pending or proposed before the Nitijela, or committee, as the case may be. [D.L. 15-38 (1968); M.I. Code (1975), §1.901.]

**§303. Form of process.**

Any subpoena, subpoena duces tecum, warrant of arrest or other process issued under the authority of the Nitijela shall run in the name of the Republic, and shall be addressed to any or all of the following officers: the Sergeant-At-Arms of the Nitijela, or the Chief of Police of the Republic or his deputies, or any police officer within the Republic. Such subpoena, subpoena duces tecum, warrant or other process shall be signed by the officer authorized to issue the same; shall set forth

his official title, shall contain a reference to the rule, or resolution, or other means by which the taking of testimony or other evidence, or the issue of such warrant or other process was authorized, and shall, in the case of a summons, or subpoena, or subpoena duces tecum set forth in general terms the matter or question with reference to which such testimony or other evidence is to be taken.

[D.L. 15-38 (1968); M.I. Code (1975), §1.902.]

**§304. Service of process.**

Any officer to whom such process is directed, shall forthwith serve or execute the same upon delivery thereof to him, without charge or compensation, except as provided in Section 305 of this Act. [D.L. 15-38 (1968); M.I. Code (1975), §1.903.]

**§305. Compensation of serving; officers and witnesses.**

The Nitijela shall compensate or reimburse any officer serving or executing such subpoena or process for his actual expenses, if any, in connection therewith, and may, at its discretion, compensate or reimburse any witness or other person attending pursuant to such subpoena or process for his time or expenses, or both. [D.L. 15-38 (1968); M.I. Code (1975), §1.904.]

**§306. Oaths of witnesses.**

The Speaker of the Nitijela, or a Chairman or acting Chairman of any committee of the whole, or of any committee of the Nitijela, may administer oaths to witnesses in any case under their examination. Any member of the Nitijela may administer oaths to witnesses in any matter pending in the Nitijela, or any committee of the Nitijela of which he is a member. [D. L. 15-38 (1968); M.I. Code (1975), §1.905.]

**§307. Privilege of witnesses.**

No witness is privileged to refuse to testify to any fact, or to produce any paper, book, document, or records respecting which he shall be examined by the Nitijela or any committee of the Nitijela, upon the ground that his testimony to such fact or his production of any such paper may tend to disgrace him, jeopardize his job, or in any other manner render him infamous or in jeopardy.

[D.L. 15-38 (1968); M.I. Code (1975), § 1.906.]

**§308. Refusal of witness to make oath or affirmation or to testify or to produce papers; perjury.**

Every person who, having been summoned by the authority of the Nitijela or any of its committees to give testimony or to produce papers upon any matter under inquiry by the Nitijela or any of its committees, willfully makes default, or who, having appeared, refuses to take oath or affirmation or to answer any question pertinent to the question under inquiry, or refuses to produce papers, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding twelve (12) months, or both. False swearing upon any material fact by any witness before the Nitijela or any committee thereof shall constitute perjury and be punishable as such. [D. L. 15-38 (1968); M. I. Code (1975), §1.907.]

**§309. Prosecution of witnesses failing to testify or produce records.**

Whenever a witness summoned as mentioned in Section 308 of this Act fails to appear to

testify or fails to produce any books, papers, records, or documents as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before the Nitijela or before any committee thereof, and the fact of such failure is reported to the Nitijela while the Nitijela is in session, the Speaker shall certify a statement of such fact, under his signature as such Speaker, to the appropriate prosecuting authority of the Republic who shall prosecute the offender in any appropriate court. When the Nitijela is not in session, a statement of the facts constituting such failure shall be certified by the Chairman or acting Chairman of the committee concerned, under his signature, to the appropriate prosecuting authority of the Republic who shall prosecute the offender as aforesaid. [D.L. 15-38 (1968); M. I. Code (1975), §1.908.]

**§310. Interference with service of process.**

(1) Whoever knowingly and willfully obstructs, resists, or opposes any Chief of Police, or other person duly authorized, in serving or executing, or attempting to serve or execute any process issued pursuant to this Act, or whoever assaults, wounds or beats any Chief of Police, deputy, or other person duly authorized in serving or executing any such process, shall be guilty of obstructing justice and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both.

(2) Whoever willfully and knowingly conceals, removes, destroys, alters, or in any other manner with intent to do so does any other act with the intention of preventing the Nitijela from examining such records, papers, books, or documents under subpoena or subpoena duces tecum shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [D.L. 15-38 (1968); M. I. Code (1975), §1.909.]

**§311. Interim committees.**

The provisions of this Act shall apply not only to proceedings during a session of the Nitijela, but also to proceedings before an interim committee of the Nitijela when the Nitijela is not in session. [D.L. 15-38 (1968); M.I. Code (1975), 1.910.]

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