

**CITY OF BALTIMORE
COUNCIL BILL 14-0325
(First Reader)**

Introduced by: Councilmembers Kraft, Holton, Branch, Middleton, President Young,

Councilmembers Curran, Scott, Mosby, Reisinger, Clarke, Cole, Welch, Henry

Introduced and read first time: February 10, 2014

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Committee on Legislative Investigation – Oaths and Subpoenas**

3 FOR the purpose of authorizing the Committee on Legislative Investigation, in connection with
4 its studies and investigations, to administer oaths and to issue subpoenas for the attendance of
5 witnesses, for the production of papers, books, accounts, records, documents, and testimony,
6 and for taking depositions; providing for the enforcement of these oaths and subpoenas;
7 authorizing the Committee to adopt rules to govern its procedures and hearings; modifying
8 the timing and scope of required reports and recommendations; correcting, clarifying, and
9 conforming related language; providing for a special effective date; and generally relating to
10 the functions, powers, and duties of the Committee on Legislative Investigation.

11 BY adding

12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Section 1-4(d) through (g)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments, and renumbering

17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Section 1-4(d)
19 to be
20 Section 1-4(h)
21 Baltimore City Code
22 (Edition 2000)

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 Laws of Baltimore City read as follows:

25 **Baltimore City Code**

26 **Article 1. Mayor, City Council, and Municipal Agencies**

27 **Subtitle 1. City Council**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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§ 1-4. Committee on Legislative Investigation.

(D) *OATHS AND SUBPOENAS.*

(1) IN UNDERTAKING ANY STUDY OR INVESTIGATION UNDER THIS SECTION, THE COMMITTEE MAY:

(I) ON MOTION APPROVED BY A MAJORITY OF ITS MEMBERS, ISSUE SUBPOENAS:

(A) TO COMPEL THE ATTENDANCE OF WITNESSES;

(B) TO COMPEL THE PRODUCTION OF ANY RELEVANT PAPERS, BOOKS, ACCOUNTS, RECORDS, DOCUMENTS, AND TESTIMONY; AND

(C) TO CAUSE THE DEPOSITION OF WITNESSES TO BE TAKEN, IN THE MANNER PROVIDED BY LAW FOR TAKING DEPOSITIONS IN A CIVIL CASE; AND

(II) ADMINISTER OATHS TO ALL WITNESSES.

(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, PAPERS, BOOKS, ACCOUNTS, RECORDS, DOCUMENTS, AND TESTIMONY ARE CONSIDERED RELEVANT IF THEY:

(I) REFER OR RELATE TO THE MATTERS UNDER STUDY OR INVESTIGATION;

(II) ASSIST IN ASSESSING THE CREDIBILITY OF A WITNESS;

(III) CONTRADICT OR CORROBORATE THE TESTIMONY OF A WITNESS; OR

(IV) DEMONSTRATE THE EXISTENCE OF UNDUE INFLUENCE ON A WITNESS.

(E) *SERVICE OF SUBPOENA.*

A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE SERVED:

(1) IN THE MANNER PROVIDED BY LAW FOR SERVICE OF A SUBPOENA IN A CIVIL ACTION;

(2) AT LEAST 10 CALENDAR DAYS BEFORE THE TIME THAT THE SUBPOENA SETS FOR ATTENDANCE OR FOR THE PRODUCTION OF PAPERS, BOOKS, ACCOUNTS, RECORDS, OR DOCUMENTS; AND

(3) WITH THE FOLLOWING:

(I) A STATEMENT OF THE SUBJECT OF THE STUDY OR INVESTIGATION TO WHICH THE SUBPOENA RELATES;

(II) IF THE SUBPOENA REQUIRES THE APPEARANCE OF A PERSON, NOTICE THAT THE PERSON MAY BE ACCOMPANIED BY COUNSEL; AND

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1 (III) A COPY OF THIS SECTION AND OF ANY RULES ADOPTED BY THE COMMITTEE
2 UNDER THIS SECTION.

3 (F) *ENFORCEMENT OF OATHS AND SUBPOENAS.*

4 (1) IF A PERSON SUBPOENAED UNDER THIS SECTION FAILS TO COMPLY WITH THE SUBPOENA
5 OR FAILS TO TESTIFY ON ANY MATTER ON WHICH THE PERSON MAY BE LAWFULLY
6 INTERROGATED:

7 (I) THE COMMITTEE MAY PETITION THE CIRCUIT COURT OF BALTIMORE CITY TO
8 ORDER COMPLIANCE WITH THE SUBPOENA; AND

9 (II) ON PETITION, THE COURT MAY:

10 (A) PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
11 COMPELLING TESTIMONY; AND

12 (B) ENFORCE ITS ORDER BY PROCEEDINGS FOR CONTEMPT.

13 (2) FALSE SWEARING BY A WITNESS BEFORE THE COMMITTEE IS SUBJECT TO THE
14 PENALTIES OF PERJURY.

15 (G) *COMMITTEE RULES.*

16 (1) THE COMMITTEE MAY ADOPT RULES TO GOVERN ITS PROCEDURES UNDER THIS
17 SECTION, INCLUDING THE CONDUCT OF HEARINGS UNDER THIS SECTION.

18 (2) THESE RULES MAY NOT BE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION OR
19 OF ANY OTHER APPLICABLE LAW.

20 (H) [(d) *Report*] *REPORTS and recommendations.*

21 [At least once each year,] ON COMPLETION OF A STUDY OR INVESTIGATION UNDER THIS
22 SECTION, the Committee shall report to the members of the City Council, the Mayor, and
23 the Board of Estimates:

24 (1) the results of [its work and studies for the year] THAT STUDY OR INVESTIGATION;
25 and

26 (2) any recommendations it may have for:

27 (i) the more effective operation of any of these departments, bureaus,
28 commissions, boards, and agencies; [and]

29 (ii) legislative, administrative, and budgetary improvements; AND

30 (III) IF THE COMMITTEE HAS REASONABLE GROUNDS TO BELIEVE THAT A
31 CRIMINAL OFFENSE HAS BEEN COMMITTED, REFERRAL TO THE APPROPRIATE
32 PROSECUTING AUTHORITY.

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1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
2 are not law and may not be considered to have been enacted as a part of this or any prior
3 Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
5 enacted.