

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0325

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
Committee Report: Favorable
Council action: Adopted
Read second time: March 10, 2014

AN ORDINANCE CONCERNING

Committee on Legislative Investigation – Oaths and Subpoenas

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

BY adding

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

BY repealing and reordaining, with amendments, and renumbering

Article 1 - Mayor, City Council, and Municipal Agencies
Section 1-4(d)
to be
Section 1-4(h)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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Subtitle 1. City Council

§ 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;

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

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

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

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

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

11 (II) ON PETITION, THE COURT MAY:

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

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

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

17 (G) *COMMITTEE RULES.*

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

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

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

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

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

28 (2) any recommendations it may have for:

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

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

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1 (III) IF THE COMMITTEE HAS REASONABLE GROUNDS TO BELIEVE THAT A
2 CRIMINAL OFFENSE HAS BEEN COMMITTED, REFERRAL TO THE APPROPRIATE
3 PROSECUTING AUTHORITY.

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City