



Legislation Details (With Text)

File #: 14-0325 **Version:** 0 **Name:** Committee on Legislative Investigation - Oaths and Subpoenas
Type: Ordinance **Status:** Enacted
File created: 2/10/2014 **In control:** City Council
On agenda: **Final action:** 3/31/2014
Enactment date: **Enactment #:** 14-213
Title: 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.

Sponsors: James B. Kraft, Helen L. Holton, Warren Branch, Sharon Green Middleton, President Young, Robert Curran, Brandon M. Scott, Nick Mosby, Edward Reisinger, Mary Pat Clarke, William H. Cole, IV, Bill Henry, William "Pete" Welch

Indexes: Oath, Subpoenas

Code sections:

Attachments: 1. Law - 14-0325.pdf, 2. 14-0325 - 1st Reader.pdf, 3. 14-0325 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
3/31/2014	0	Mayor	Signed by Mayor	
3/24/2014	0	City Council	Approved and Sent to the Mayor	
3/10/2014	0	Judiciary and Legislative Investigations	Recommended Favorably	
3/10/2014	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
2/13/2014	0	The City Council	Referred for a Report	
2/10/2014	0	City Council	Assigned	
2/10/2014	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
2/10/2014	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

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

Subtitle 1. City Council

§ 14. 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

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

(F) ENFORCEMENT OF OATHS AND SUBPOENAS.

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

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

(II) ON PETITION, THE COURT MAY:

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

(B) ENFORCE ITS ORDER BY PROCEEDINGS FOR CONTEMPT.

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

(G) COMMITTEE RULES.

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

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

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

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

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

(2) any recommendations it may have for:

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

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

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

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

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

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art1/JLI Subpoenas/aa:me

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