

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY

Rules of Organization & Procedure

Council Period 19

Adopted: January 11, 2011

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA,
COMMITTEE ON THE JUDICIARY

To provide rules of organization and procedure for the Council of the District of Columbia Committee on the Judiciary during Council Period 19.

RESOLVED, BY THE COMMITTEE ON THE JUDICIARY, That this resolution may be cited as the “Rules of Organization and Procedure for the Council of the District of Columbia Committee on the Judiciary for Council Period 19 Resolution of 2011”.

Sec. 2. The document entitled “Rules of Organization and Procedure for the Council of the District of Columbia Committee on the Judiciary for Council Period 19”, attached and made a part of this resolution, shall be the rules of the Council of the District of Columbia Committee on the Judiciary.

Sec. 3. This resolution shall take effect immediately.

Chairman
Committee on the Judiciary

January 11, 2011
Adopted

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ARTICLE I: DEFINITIONS

Sec.

101. DEFINITIONS

Except as otherwise provided, the definitions contained in Article I, section 101 of the Rules for the Council of the District of Columbia, Council Period 19 Resolution of 2011 (Resolution 19-1) are incorporated by reference. In addition, for the purposes of the Committee Rules, the term:

- (1) “Chairman” means the Chairman of the Committee on the Judiciary.
- (2) “Committee” means the Council of the District of Columbia Committee on the Judiciary.
- (3) “Committee Rules” means the Rules of Organization and Procedure for the Council of the District of Columbia Committee on the Judiciary for Council Period 19.
- (4) “Council Rules” means the Rules for the Council of the District of Columbia, Council Period 19 Resolution of 2011 (Resolution 19-1).
- (5) “Meeting” means the formal convening of the Committee, other than solely for the purposes of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.
- (6) “Member” means a member of the Committee on the Judiciary.
- (7) “Minutes” means the written, audio, electronic, or video recording of the actions and proceedings of the Committee, which may consist of a summary of Committee discussion and debate and a description of each action taken, including amendments, motions, or orders on which a vote was taken, and the vote of each member concerning the action.
- (8) “Quorum” means three members of the Committee, except as provided in Committee Rule 603(b).
- (9) “Testimony” means the oral or written statement of a witness.
- (10) “Witness” means a person who shall appear or is appearing before the Committee whether voluntarily or by mandatory process.

ARTICLE II: ORGANIZATION OF THE COMMITTEE

Sec.

201. COMMITTEE CHAIRMAN

The Chairman shall be the presiding officer of the Committee. The Chairman shall designate a member to act as temporary Chairman when the Chairman is absent or determines he must recuse himself from certain actions or items before the Committee. If the Chairman does not preside and does not designate a temporary Chairperson, then the member with the greatest seniority on the Committee shall preside.

202. COMMITTEE STAFF

(a) The Chairman shall appoint Committee Staff with the approval of the Committee, pursuant to section 406(b)(3)(B) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(3)(B)).

(b) The Chairman may retain additional persons not to be compensated by Council funds.

(c) The Chairman shall determine Committee Staff assignments, removals, and remuneration.

ARTICLE III: RESPONSIBILITIES OF THE COMMITTEE

Sec.

301. MATTERS UNDER THE COMMITTEE PURVIEW

The Committee is responsible for matters affecting the judiciary and judicial procedure which are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure; matters affecting criminal law and procedure; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, emergency medical services, homeland security, criminal justice, and public safety.

302. AGENCIES UNDER THE COMMITTEE PURVIEW

The following agencies come within the purview of the Committee:

- (1) Access to Justice Initiative;
- (2) Child Support Guidelines Commission;
- (3) Commission on Judicial Disabilities and Tenure;
- (4) Corrections Information Council;
- (5) Criminal Justice Coordinating Council;
- (6) Department of Corrections;
- (7) Deputy Mayor for Public Safety & Justice;
- (8) District of Columbia Judicial Nomination Commission;
- (9) District of Columbia National Guard;
- (10) District of Columbia Sentencing and Criminal Code Revision Commission;
- (11) Fire and Emergency Medical Services Department;
- (12) Forensic Health and Science Laboratories;
- (13) Homeland Security and Emergency Management Agency;
- (14) Metropolitan Police Department;
- (15) Motor Vehicle Theft Prevention Commission;
- (16) Office of Administrative Hearings;
- (17) Office of the Attorney General for the District of Columbia;
- (18) Office of the Chief Medical Examiner;
- (19) Office of Justice Grants Administration;
- (20) Office of Unified Communications;
- (21) Office of Victims Services;
- (22) Office of Police Complaints;
- (23) Police Complaints Board; and
- (24) Police Officers' and Fire Fighters Retirement System

ARTICLE IV: COMMITTEE MEETINGS

Sec.

401. REGULAR MEETINGS

(a) Regular meetings of the Committee shall be held at 2:00 p.m. on the 2nd Tuesday of each month except during periods of Council recess and legal holidays. Regular meetings shall be held in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C., 20004, unless another place is designated by the Chairman.

(b) If a majority of the members of the Committee are present at a regular meeting, the Chairman may recess that meeting to another time, day, or place, or may reschedule a future regular meeting to another time, day, or place.

402. SPECIAL AND ADDITIONAL MEETINGS

(a)(1) Special meetings of the Committee may be called by filing a written request with the Committee Clerk for a special meeting signed by no fewer than 3 members. The Committee Clerk shall notify the Chairman and the other members of the filing of the request.

(2) The Chairman shall call the special meeting within 3 business days of the written request and shall specify the date, hour, place, and agenda of the meeting.

(3) If the Chairman does not call the requested meeting, a majority of the members may file a written notice with the Committee Clerk that a special meeting will be held, specifying the date, place, and agenda for the meeting. Immediately upon the filing of the notice the Committee staff shall notify all members of the Committee as provided for in Committee Rule 404.

(4) No matters shall be considered at any special meeting except those stated in the written request and notification.

(b) Additional meetings of the Committee may be called by the Chairman.

(c) Additional or special meetings to consider emergency matters may be called upon shorter notice, if this shorter notice is agreed upon in writing by at least 4 of the Committee members and the basis for the emergency is stated fully in the notice.

403. CANCELLATION OF MEETINGS

(a) The Chairman may cancel a regularly scheduled meeting of the Committee. The Chairman shall endeavor to provide at least 24 hours notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude the provision of such notice. If the circumstances preclude the provision of the notice 24 hours prior to the regularly scheduled meeting, the Chairman shall provide notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest

possible time prior to the regularly scheduled meeting, but no later than 2 hours prior to the regularly scheduled meeting.

(b) The Chairman may cancel a scheduled additional meeting of the Committee. The Chairman shall provide at least 12 hours notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude such notice. If the circumstances preclude the provision of the notice 12 hours prior to the scheduled additional meeting, the Chairman shall provide notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest possible time prior to the scheduled additional meeting, but no later than 2 hours prior to the scheduled additional meeting.

(c) The Committee, at the Chairman's discretion, may circulate notice of the meeting cancellation electronically, except that any Councilmember that has elected not to receive notice electronically pursuant to Council Rule 421 shall be provided written notice by the Committee.

404. MEETING AGENDA AND MATERIALS

(a) The Chairman shall circulate a notice of the date, hour, and place of all committee meetings to all members of the Council at least 24 hours before the date of the meeting, unless at least 4 members of the Committee agree to a shorter notice. Copies of the notice shall be provided to all Councilmembers. The Committee staff shall contact the Office of the Secretary to ensure that the meetings of the Committee do not conflict with previously scheduled meetings of another committee.

(b)(1) The Committee staff shall prepare the agenda at the direction of the Chairman. The Chairman shall set the agenda for all meetings, except for special meetings called under Rule 402(a) by a majority of the members.

(2) The Chairman may prepare a consent agenda for each Committee meeting which shall include bills and proposed resolutions that the Chairman believes will be adopted by unanimous vote. Adoption of the consent agenda shall be considered at the beginning of the Committee meeting. Any member may strike a bill or proposed resolution from the consent agenda.

(c) The notice required by this section shall be circulated with a copy of the agenda of the meeting as well as any other materials required under Committee Rule 602. The Committee, at the Chairman's discretion, may circulate notice and any accompanying materials electronically, except that any Councilmember who has elected not to receive notice electronically pursuant to Council Rule 421 shall be provided written notice by the Committee. For purposes of meeting the requirement that materials be timely circulated, however, electronic circulation shall suffice.

405. PROCEDURES FOR MEETINGS

(a) Except as provided in subsection (b) of this section, the Committee shall conduct business for regular meetings of the Committee in the following order:

- (1) Call to order;

- (2) Ascertainment of the presence of a quorum by the Chairman;
 - (3) Reading and approval of the written minutes (if any);
 - (4) Consent Agenda (if any);
 - (5) Consideration of proposed reports and markup of pending measures assigned to the Committee;
 - (6) Other business; and
 - (7) Adjournment.
- (b) The Committee shall take up business in the following order at a special or additional meeting:
- (1) Call to order at the date, hour, and place set forth in the notice of the special or additional meeting;
 - (2) Ascertainment of the presence of a quorum by the Chairman; and
 - (3) If a quorum is present, consideration of business in the order set forth in the meeting notice.
- (c) The Chairman or presiding member may, without objection or upon the vote of a majority of the members present and voting, take up any item of business out of order.
- (d) The Chairman or presiding member may recognize a member of the public or a District government employee when the participation of the person would, in the judgment of the Chairman or presiding member, enhance the understanding of the matter under consideration by the Committee.

406. RECORDS OF MEETINGS

- (a) An audio or audiovisual recording of Committee meetings, hearings and roundtables shall be made. The Chairman may also direct that minutes of meetings or hearings be taken. If minutes are taken, the minutes shall be filed with the Secretary to the Council upon approval by the Committee.
- (b) All records of official Committee action shall be made available to the public during normal business hours through the Committee or the Office of the Secretary to the Council.

ARTICLE V: REVIEW & APPROVAL OF MEASURES AND REPORTS

Sec.

501. APPROVAL OF MEASURES, REPORTS, AND RECOMMENDATIONS

(a) The Committee may not report out a measure, report, or recommendation on a matter assigned to the Committee unless a quorum is present at the time of approval.

(b) If an amendment is orally moved during a Committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee, and made available for public inspection as soon as practicable.

502. REPORTS ON BILLS AND PROPOSED RESOLUTIONS

(a) Each bill or resolution shall be accompanied by a draft report when it is considered by the Committee, unless the Committee votes to waive this requirement for a particular bill or resolution. In the event of a waiver, the Committee shall vote on the draft report at a regularly scheduled, additional, or special meeting of the Committee before filing the report and the reported bill or resolution with the Secretary.

(b) Each adopted report on a bill or proposed resolution shall be in writing, signed by the Chairman, accompanied by the final bill or resolution, and shall contain:

- (1) A statement of background and need of the bill or resolution;
- (2) A legislative chronology, including the date of introduction, all introducers and co-sponsors, the date public notice was published in the District of Columbia Register, the date(s) of public hearings and roundtables, and the date of any action taken at a Committee meeting;
- (3) A summary of testimony on the legislation or resolution presented at a public hearing or public roundtable held by the Committee;
- (4) A statement of the impact on existing provisions of law that the bill or resolution would modify or affect;
- (5) A fiscal impact statement;
- (6) A detailed section-by-section analysis of the provisions of the bill or resolution;
- (7) A record of Committee action, including the results of a voice vote or roll call vote on any amendments to the bill or resolution, and the results of a voice or roll call vote on the bill or resolution;
- (8) Dissenting, separate, or individual views of members if requested before the report is adopted;
- (9) A committee print that states the bill or proposed resolution number of the measure; in the top left-hand corner of the measure the name of the committee, the date of the committee markup, and the words "committee print";

(10) Any additional information that the Chairman or Committee directs to be included; and

(11) Copies of some or all of the testimony or comments received on the measure, as directed by the Chairman or requested by the Committee.

503. SUPPLEMENTAL, MINORITY, AND ADDITIONAL VIEWS

If, at the time of approval of any measure by the Committee, any member of the Committee gives notice of intent to file supplemental, minority, or additional views, that member shall have not less than 5 days (excluding legal holidays) in which to file his or her views in writing. Such views shall be filed with the Committee Clerk and shall be included in the report of the Committee on that measure.

ARTICLE VI: HEARINGS & INVESTIGATIONS

Sec.

601. HEARING REQUIREMENTS

(a) All hearings or roundtables of the Committee shall be called by the Chairman or his designee.

(b) The Committee shall hold a hearing before passage of any bill, and shall hold a hearing when required by law. A hearing shall not be required where a hearing on the same or similar bill was held in the immediately preceding a prior Council period.

(c) The Committee may hold a hearing or roundtable before the passage of a proposed resolution, but shall hold a hearing or roundtable when required by law.

(d) The Committee may hold a hearing or a roundtable on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in Council Rule 240.

602. HEARING MATERIALS

(a) Notice of a Committee hearing shall be given in the manner provided for in Council Rule 422. In addition, the Committee shall circulate to all members of the Council, at least 24 hours before the date of the hearing, copies of the following:

- (1) Notice of the hearing, to include the date, hour, and place of the hearing;
- (2) A draft list of witnesses that will appear and provide testimony at the hearing;
- (3) If the hearing is on a bill or resolution, a copy of the bill or resolution being considered;
- (4) Copies of some or all of any testimony or comments received prior to the hearing; and
- (5) Any additional information that the Chairman or Committee directs to be included.

(b) The Committee staff shall contact the Office of Secretary to ensure that the hearings of the Committee do not conflict with previously scheduled meetings of another committee.

(c) The Committee, at the Chairman's discretion, may circulate notice and any accompanying materials electronically, except that any Councilmember that has elected not to receive notice electronically pursuant to Council Rule 421 shall be provided written notice by the Committee. For purposes of meeting the requirement that materials be timely circulated, however, electronic circulation shall suffice.

(d) For purposes of this section, the term "hearing" includes roundtables held by the Committee.

603. HEARING PROCEDURES

(a) Each hearing shall be open to the public unless a majority of the Committee decides in open session or publicly agrees that the hearing should be closed.

(b) One member of the Committee constitutes a quorum for the taking of testimony and the receiving of evidence at a hearing.

(c) For purposes of questioning witnesses before the Committee:

(1) The questioning of a witness before the Committee shall proceed in the order that Committee members arrived, followed by non-Committee members.

(2) The first round for questioning shall be 10 minutes unless the members agree to a longer or shorter period.

(3) The Chairman shall decide whether to allow for an additional round or rounds, and the time allowed for each Councilmember for questioning during these rounds.

(4) A witness may be questioned, with the consent of the Chairman or presiding member, by Committee staff or authorized Council staff or by counsel advising the Committee.

(d) Committee staff shall be responsible for keeping one set of all written testimony (including comments received prior to the record being closed) in unmarked condition. This set shall be filed with the Secretary to the Council as the hearing record.

(e) A hearing may be recessed to another time, day, and place by the Chairman or member presiding over the hearing. The Chairman or presiding member shall state at the time of recess when the continuation of the hearing is to take place in order to provide sufficient public notice.

(d) For purposes of this section, the term “hearing” includes roundtables held by the Committee.

604. HEARING DECORUM

(a) Except when responding to a direct question of a member, no witness may address a member except through the Chairman or presiding member.

(b) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.

(c) The Chairman or presiding member shall maintain order during the meeting and if, in his or her opinion, the removal of any member of the public is necessary to maintain order, the Chairman or presiding member may, after warning, order the removal of any disorderly person.

605. RIGHTS OF WITNESSES

(a) Any witness who appears before the Committee has the right to be represented by counsel.

(b) Any witness who testifies at a hearing or roundtable of the Committee may submit an opening statement that shall be placed in the record of the hearing. The Chairman or presiding member may permit a witness to read the statement at the hearing.

606. TESTIMONY UNDER OATH

A witness may be affirmed or sworn to give truthful testimony.

607. DEPOSITIONS

The Committee may authorize a Committee member, Committee staff, or counsel advising the committee to take the testimony of witnesses by oral or written deposition.

608. INVESTIGATIONS

The Committee may investigate any matter relating to the affairs of the District of Columbia that comes under the jurisdiction of the Committee. The Committee may also direct another person to investigate a matter within the Committee's jurisdiction.

609. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS

Any person who is the subject of an investigation authorized under Article VI of the Council Rules may submit written questions for the cross-examination of other witnesses at public hearings held by the Committee. With the consent of the members present and voting, those questions may be put to the witness by any member, by any authorized staff member, or by counsel advising the Council or the Committee.

610. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS

Any person who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a Committee or its staff does not comport with the truth may file a sworn statement of facts relevant to the testimony or other evidence or comment that is at issue.

611. ISSUANCE OF SUBPOENAS

(a) Subject to Council Rules, the Committee may require the attendance and testimony of witnesses and the production of documents, papers, and other tangible items through the use of its subpoena power.

(b) Prior to issuing a subpoena, the Committee shall submit a report to the Secretary to the Council outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

(c) Subpoenas shall be served personally on the witness or his or her designated agent in one of the following ways, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Committee from among the staff appointed by the Secretary to the Council who are not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Committee or the Council for this purpose.

612. ENFORCEMENT OF SUBPOENAS

The Committee may refer to the Council any case of contumacy by any person subpoenaed to appear before the Committee or any other refusal to comply with the subpoena.

613. RIGHT TO ASSERT PRIVILEGES

(a) Any witness has the right to refuse to answer any question which might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the Chairman or presiding member shall inquire into the witness's reasons for claiming the privilege. If the Chairman or presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the Chairman or presiding member to answer a specific question constitutes contumacy by the witness.

(c) Where a witness under subpoena is not represented by counsel, the Chairman or presiding member shall advise the witness of his or her privilege against self-incrimination.

614. RIGHT TO TRANSCRIPT

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

ARTICLE VII: NOTICE PROVISION

Sec.

701. NOTICE

If there is no specific requirement for the giving of notice of any Committee action, meeting, or hearing, notice may be given by one of the following methods:

- (1) Posting in prominent places in 1350 Pennsylvania Avenue, N.W., or other public buildings or public posting places;
- (2) Publication in one or more newspapers of general circulation;
- (3) Publication in the District of Columbia Register;
- (4) Mailing notice to an established mailing list of organizations and individuals as maintained by the Secretary to the Council;
- (5) Use of other news media;
- (6) Facsimile;
- (7) E-mail or other electronic communication; or
- (8) Any other manner the Committee considers appropriate.

ARTICLE VIII: RULES

Sec.

801. RULES OF THE COUNCIL

(a) The following Rules of the Council are and shall be considered rules of the Committee and except where the context dictates to the contrary, the term "Council" means "Committee," the term "Member" or "Member of the Council" means "Member of the Committee," the term "Chairman" means "Chairman of the Committee," and the term "Secretary" means "Committee staff director or other Committee staff:" 101 (Definitions); 202 (Code of Official Conduct); 304 (Quorum); 305 (Meetings Open to the Public); 306 (Executive Meetings); 307 (Hearing the Mayor); 321 (Decorum of Members); 322 (Decorum of Members of the Public); 331 (Obtaining the Floor); 332 (Limitations on Debate); 333 (Personal Privilege); 334 (Points of Order); 335 (Appeal); 336 (Extensions of Remarks); 337 (Recognition of Non-Members); 341 (Motions Recognized During Debate); 342 (Withdrawal or Modification of Motions); 343 (Amendments to be Written); 351 (Form of Vote); 352 (Voice Votes); 353 (Demand for Roll Call Vote); 355 (Records of Votes); 356 (Proxy Voting Prohibited); 357 (Reconsideration); 448 (Records of Legislative Meetings); 450 (Effect of End of Council Period); 601 (Resolution Authorizing the Use of Subpoenas in an Investigation); 604 (Testimony Under Oath); 605 (Issuing the Oath); 606 (Depositions); 611 (Issuance of Subpoenas); 612 (Report to Secretary Regarding Use of Subpoena); 613 (Service of Subpoenas); 614 (Enforcement of Subpoenas); 621 (Right to Assert Privileges); 622 (Notification of Rights); 623 (Right to Transcript); 624 (Rights of Persons Who are Subjects of Investigations); 1001 (Parliamentary Authority); 1002 (Gender Rule of Construction); and 1003 (Suspension of Rules). The Rules of the Council are and shall be considered rules of the Committee whenever these committee rules are incomplete or silent on a matter of procedure.

(b) Whenever there is conflict between these rules and the Council Rules, the Council Rules shall govern.

802. AMENDMENT

These rules may be amended by a majority of the Committee at any Committee meeting. Notice of the proposed amendment shall be in writing, signed by the proposer, and circulated to each member at least 5 days prior to the meeting at which the proposed amendment is to be considered.

803. FILING WITH THE COUNCIL SECRETARY

Upon the adoption of these rules or any future amendments, the Committee Clerk shall file a copy of the final rules or amendments with the Secretary to the Council.

804. EFFECTIVE PERIOD

These Rules shall take effect immediately, and shall remain effective until superseded by Rules of Organization and Procedure for the Committee on the Judiciary adopted in a succeeding Council Period, unless modified by a majority of the Committee members during Council Period 19.