

SENATE BILL No. 39

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-3-7.

Synopsis: Legislative ethics committees. Requires that a complaint to a legislative ethics committee must be made by a member of the committee's house.

Effective: July 1, 1999.

Kenley

January 6, 1999, read first time and referred to Committee on Ethics.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 39

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-2.1-3-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. In addition to the
3 responsibility to devise a code of ethics, each legislative ethics
4 committee:

- 5 (1) may receive and hear any complaint **from a member of its**
6 **respective house** which alleges a breach of any privilege of the
7 appropriate house, misconduct of any member or any violation of
8 the respective code of ethics, regardless of when the breach,
9 misconduct, or violation is alleged to have occurred;
10 (2) may obtain information with respect to any complaint filed
11 pursuant to this section and to that end may compel the
12 attendance and testimony of witnesses and the production of
13 pertinent books and papers;
14 (3) may recommend whatever sanction is appropriate with respect
15 to a particular member as will best maintain in the minds of the
16 public a good opinion of the conduct and character of members of
17 the general assembly;



1 (4) may recommend legislation to the general assembly relating
2 to the conduct and ethics of members of the general assembly;

3 (5) shall act as an advisory body to the general assembly and to
4 individual members of the appropriate house on questions relating
5 to possible conflicts of interest; and

6 (6) shall conduct its investigations in the following manner:

7 (A) When a complaint is filed with the committee, a copy shall
8 promptly be sent to the person alleged to have committed the
9 violation. If the committee determines the complaint does not
10 allege facts sufficient to constitute a code or statutory
11 violation, the complaint shall be dismissed and the
12 complainant and respondent notified. If the committee
13 determines the complaint does allege facts sufficient to
14 constitute a code or statutory violation, it shall promptly
15 investigate the alleged violation. If, after such preliminary
16 investigation the committee finds that probable cause does not
17 exist to support an alleged violation, the allegation shall be
18 dismissed. If the committee finds that probable cause exists to
19 support an alleged violation, it shall convene a hearing on the
20 matter within thirty (30) days after making such determination.
21 The committee may meet in executive session to conduct a
22 preliminary investigation and to determine whether probable
23 cause exists to support an alleged violation. All committee
24 investigations and records relating to the preliminary
25 investigation shall be confidential.

26 (B) If a hearing is to be held, the respondent shall be allowed
27 to examine and make copies of all evidence in the committee's
28 possession relating to the charges. At the hearing, the charged
29 party shall be afforded appropriate due process protection
30 consistent with state administrative procedures, including the
31 right to be represented by counsel, the right to call and
32 examine witnesses, the right to introduce exhibits, and the
33 right to cross-examine opposing witnesses.

34 (C) After the hearing, the committee shall state its findings of
35 fact. If the committee, based on competent and substantial
36 evidence, finds the respondent has violated a code or statutory
37 provision, it shall state its findings in writing in a report to the
38 speaker of the house or president pro tempore of the senate, as
39 appropriate. Such report shall be supported and signed by a
40 majority of the committee members. If the committee finds the
41 respondent has not violated a code or statutory provision, it
42 shall dismiss the charges.

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(D) No committee member shall participate in any matter in which he is involved.

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