



COUNCIL OF THE DISTRICT OF COLUMBIA

**RULES OF ORGANIZATION AND PROCEDURE FOR THE
COMMITTEE ON THE JUDICIARY**

COUNCIL PERIOD 21

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ARTICLE I - DEFINITIONS

Sec. 101. Definitions.

Except as otherwise provided by these rules, the definitions contained in section 101 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 21, are incorporated by reference.

For purposes of these rules, the term:

- (1) “Chairperson” means the Chairperson of the Committee on the Judiciary.
- (2) “Committee” means the Committee on the Judiciary.
- (3) “Council Rules” means the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 21.
- (4) “Meeting” means any gathering of a quorum of the members of a public body, including hearings and roundtables, whether formal or informal, regular, special, or emergency, at which the members consider, conduct, or advise on Committee business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. The term “meeting” shall not include a chance or social encounter, unless it is held to evade the letter or spirit of the Committee’s open meetings policy, or a press conference.
- (5) “Member” means a Member of the Committee.
- (6) “Quorum” means 3 Members, except as provided in section 601(d).
- (7) “Rules” means the Rules of Organization and Procedure for the Committee on the Judiciary for Council Period 21.
- (8) “Testimony” means an oral or written statement submitted to the Committee with knowledge or intent that it will be added to the record.
- (9) “Witness” means a person who shall appear or is appearing before the Committee, whether voluntarily or by mandatory process.

ARTICLE II - COMMITTEE OVERSIGHT RESPONSIBILITIES

Sec. 201. Matters under the Purview of the Committee.

The Committee on the Judiciary is responsible for matters affecting the judiciary and judicial procedure that are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure, including the Freedom of Information Act; matters affecting criminal law and procedure; returning citizen affairs; human rights; juvenile justice; elections; government ethics; campaign finance; 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.

Sec. 202. Agencies under the Purview of the Committee.

The following agencies come within the purview of the Committee on the Judiciary:

- Access to Justice Initiative
- Board of Ethics and Government Accountability
- Child Support Guidelines Commission
- Commission on Fathers, Men, and Boys
- Commission on Human Rights
- Commission on Judicial Disabilities and Tenure
- Commission on Re-Entry and Returning Citizen Affairs
- Commission on Selection and Tenure of Administrative Law Judges
- Corrections Information Council
- Criminal Justice Coordinating Council
- Department of Corrections
- Department of Forensic Sciences
- Department of Youth Rehabilitation Services
- Deputy Mayor for Public Safety and Justice
- District of Columbia Board of Elections
- District of Columbia Judicial Nomination Commission
- District of Columbia National Guard
- District of Columbia Sentencing and Criminal Code Revision Commission
- Fire and Emergency Medical Services Department
- Homeland Security and Emergency Management Agency
- Homeland Security Commission
- Juvenile Abscondence Review Committee
- Juvenile Justice Advisory Group
- Mayor's Office of Legal Counsel
- Metropolitan Police Department
- Motor Vehicle Theft Prevention Commission
- Office of Administrative Hearings (including the Advisory Committee to the Office of Administrative Hearings)
- Office of Campaign Finance

Office of Human Rights
Office of Justice Grants Administration
Office of Police Complaints
Office of the Attorney General for the District of Columbia
Office of the Chief Medical Examiner
Office of Unified Communications
Office of Victim Services
Office on Returning Citizen Affairs
Police Complaints Board
Police Officer Standards and Training Board
Pretrial Services Agency
Public Defender Service
Uniform Law Commission

ARTICLE III - ORGANIZATION OF THE COMMITTEE

Sec. 301. Chairperson.

The Chairperson shall be the presiding officer of the Committee. The Chairperson may designate a Member to act as temporary Chairperson when he is absent or recuses himself from certain items before the Committee.

Sec. 302. Committee Staff.

(a) Committee Director. The Chairperson shall appoint a Committee Director with the approval of the Committee, pursuant to section 406 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Official Code § 1-604.06). The Committee Director shall be the secretary and chief administrative officer of the Committee, shall keep any minutes and all records of meetings and Committee business, and shall perform other administrative, legislative, and policy functions assigned by these rules or the Chairperson.

(b) Additional Staff. The Chairperson shall appoint additional staff with the approval of the Committee, pursuant to section 406 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Official Code § 1-604.06). The additional staff shall perform administrative, legislative, and policy duties that shall be assigned by the Chairperson or the Committee Director.

(c) Additional Resource Persons. Additional persons not to be compensated by Council funds may be retained by the Committee with the approval of the Chairperson.

(d) Staff Assignments, Removals, and Remuneration. Committee staff assignments, removals, and remuneration shall be determined by the Chairperson.

ARTICLE IV - COMMITTEE MEETINGS

Sec. 401. Quorum.

(a) Quorum. A majority of the Members constitutes a quorum for the lawful convening of a Committee meeting and for the transaction of business, except that a lesser number may hold hearings as provided in Section 601.

(b) Chairman as Ex Officio. The Chairman of the Council shall be an ex officio, voting Member of the Committee and may be counted for the purposes of a quorum, but shall not increase the quorum requirement for the Committee.

Sec. 402. Regular Meetings.

(a) Time. Regular meetings of the Committee shall be held at 2:00pm on the first Thursday of each month except during periods of recess of the Council and legal holidays.

(b) Place. Regular meetings of the Committee shall be held in Room 123 in the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C., 20004, unless another place is designated by the Chairperson.

(c) Notice. The Chairperson shall circulate a notice, in writing or by electronic mail, of the date, hour, and place of all Committee meetings to all Members of the Council at least 24 hours prior to the scheduled meeting, along with a copy of the agenda of the meeting, unless at least 4 Members agree to a shorter notice. The Chairperson shall circulate a draft of any measures to be considered at the scheduled meeting to all Members of the Council at least 24 hours prior to the scheduled meeting, unless at least 4 Members agree to a shorter notice.

(d) Recess and Rescheduling. The Chairperson may recess any regular meeting then in progress to another time, day, and place. The Chairperson may reschedule any future regular meeting, provided that each Member is notified in writing or by electronic mail at least 24 hours in advance of the scheduled meeting.

(e) Cancellation. The Chairperson may cancel a future regularly scheduled meeting. To cancel a regularly scheduled meeting, the Chairperson shall provide at least 24 hours notice of the cancellation, in writing or by electronic mail, 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 Chairperson shall provide notice of the cancellation in writing or by electronic mail 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.

(f) Agenda.

(1) The agenda and written material relating to the agenda items shall be available to the Members 24 hours prior to the meeting of the Committee.

(2) The Committee staff shall prepare the agenda at the direction of the Chairperson. The agenda for all meetings, except special meetings called by a majority of the Members, shall be set by the Chairperson.

(3) The Chairperson may prepare a consent agenda for each Committee meeting, which shall include bills and proposed resolutions that the Chairperson believes will be adopted by unanimous vote. The consent agenda shall be approved at the beginning of the Committee meeting. Any Member may strike a bill or proposed resolution from the consent agenda.

Sec. 403. Special and Additional Meetings.

(a) Special Meetings.

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

(2) The Chairperson shall call the special meeting within 72 hours of the written request and shall specify the date, hour, place, and agenda for the meeting.

(3) If the Chairperson does not call the requested meeting, a majority of the Members may file a written notice with the Committee Director that a special meeting will be held, specifying the date, hour, place, and agenda for the meeting.

(4) Whenever a special meeting is called, the Committee staff shall notify each Councilmember in writing or by electronic mail at least 24 hours before the special meeting. The notice shall state the date, hour, and place of the meeting. A copy of the agenda of the meeting and draft of any measures to be considered shall be circulated.

(5) No matters shall be considered at any special meeting except those stated in the written or electronic-mail request and notification.

(6) Any written material relating to the agenda items shall be made available to the Members by the close of business of the working day prior to the meeting.

(7) Special meetings to consider emergency matters may be called upon shorter notice, if the shorter notice is agreed to by 3 Members.

(8) The Chairperson may cancel a special meeting, provided that each Councilmember is notified in writing or by electronic mail at least 24 hours prior to the scheduled meeting, 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 scheduled meeting, the Chairperson shall provide written notice of the cancellation to each

Councilmember and the Secretary to the Council at the earliest possible time prior to the scheduled meeting, but no later than 2 hours prior to the scheduled meeting.

(b) Additional Meetings.

(1) The Chairperson may call additional meetings.

(2) Whenever an additional meeting is called, the Committee staff shall notify each Councilmember in writing or by electronic mail, at least 24 hours prior to the additional meeting, unless at least 3 Members agree to a shorter notice. The notice shall state the date, hour, and place of the meeting, and include a copy of the agenda of the meeting. The Chairperson shall circulate, in writing or by electronic mail, a draft of any measures to be considered at least 24 hours prior to the additional meeting, unless at least 3 Members agree to a shorter notice.

(3) The Chairperson may cancel an additional meeting, provided that each Member of the Council is notified in writing or by electronic mail at least 24 hours prior to the scheduled meeting, 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 scheduled meeting, the Chairperson shall provide written notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest possible time prior to the scheduled meeting, but no later than 2 hours prior to the scheduled meeting.

Sec. 404. Procedures for Meetings.

(a) Order of Business for Meetings. Subject to subsection (b), the Committee shall conduct business for meetings of the Committee in the following order:

(1) Call to order;

(2) Determination by the Chairperson of the presence of a quorum;

(3) Reading and approval of minutes, if applicable;

(4) Consideration of proposed reports on and markup of pending measures assigned to the Committee under section 405 of the Council Rules;

(5) Other business, if applicable; and

(6) Adjournment.

(b) Proceeding Out of Order. The Chairperson 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.

(c) Recognition of Non-Committee Members. The Chairperson or presiding Member may recognize an individual when the participation of the individual would, in the judgment of

the Chairperson or presiding Member, enhance the understanding of the matter under consideration by the Committee.

Sec. 405. Records of Meetings.

(a) Records. 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. The minutes may consist of a description of all Committee action and a description of each amendment, motion, order, or other proposition on which a roll-call vote was taken; the name of each Member voting for and against the amendment, motion, order, or proposition; and the names of those Members present but not voting. If minutes are taken, the minutes shall be filed with the Secretary to the Council upon approval by the Committee.

(b) Public Inspection. 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 OF AND REPORTS ON PROPOSED LEGISLATION

Sec. 501. Approval of Measures.

(a) Approval Process. The Committee may not report out a measure or recommendation on a matter assigned to the Committee unless a quorum is present at the time of approval and the measure or recommendation is approved by a majority of the Members present and voting.

(b) Oral Amendments. 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 staff and made available for public inspection as soon as possible.

Sec. 502. Reports on Bills and Proposed Resolutions.

(a) Draft Reports. Each bill or proposed 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 proposed 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 proposed resolution with the Secretary.

(b) Contents of Reports. Each adopted report on a bill or proposed resolution assigned to the Committee shall be signed by the Chairperson, accompanied by the final bill or proposed resolution, and include all requirements in section 803(d) of the Council Rules.

(c) Date of Report. The date of the Committee markup shall be the date of the report.

Sec. 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 5 days (excluding Saturdays, Sundays, and legal holidays) in which to file his or her views in writing. Such views shall be filed with the Committee Director and shall be added as an addendum to the report and filed with the Office of the Secretary.

ARTICLE VI – HEARINGS AND INVESTIGATIONS

Sec. 601. Hearing Procedures.

(a) Calling.

(1) The Committee shall hold a hearing before passage of any permanent bill. A hearing is not required if a hearing on the same or a similar bill was held in the previous Council Period.

(2) The Committee may hold a hearing or roundtable before passage of a proposed resolution if called by the Chairperson.

(3) 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 in the Council Rules.

(b) Notice. Notice of Committee hearings shall be given in the manner provided for in section 701.

(c) Open Hearing. Except as provided in Section 803 of the Committee Rules, each hearing or roundtable shall be open to the public.

(d) Quorum. One Member constitutes a quorum for the taking of testimony and receiving of evidence at a hearing.

(e) Questioning of Witnesses.

(1) Each Member and participating non-Committee Member shall have a maximum of 10 minutes to question each witness, until after each Member or participating non-Committee Member has had an opportunity to question the witness. Questioning shall proceed in the order that Members arrived, followed by non-Committee Members. The Committee Chair shall have the discretion to allow for an additional round, or rounds, of questioning and shall determine the length of each round.

(2) A witness may be questioned, with the consent of the Chairperson or presiding Member, by Committee or authorized Council staff or by counsel advising the Committee.

(f) Hearing Decorum.

(1) No witness may address a Member except through the Chairperson or presiding Member, except when responding to a direct question of a Member.

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

(3) The Chairperson 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 Chairperson or presiding Member may order the removal of any disorderly person after warning the person.

(g) Recess. A hearing may be recessed at any time by the Chairperson or presiding Member.

Sec. 602. Witnesses.

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

(b) Right to Make Opening Statement. The right to provide oral testimony shall be at the discretion of the Chairperson or presiding Member. Any witness who provides oral testimony at a hearing or roundtable of the Committee may submit a written statement that shall be placed in the record of the hearing. The Chairperson or presiding Member may permit a witness to read the statement at the hearing, subject to time limitations as imposed by the Chairperson or presiding Member.

(c) Time afforded for testimony.

(1) A witness appearing on his or her own behalf shall be afforded at least 3 minutes to make an opening statement.

(2) A witness appearing on behalf of a bona fide organization shall be afforded at least 5 minutes to make an opening statement.

(3) A witness representing the executive branch of the District of Columbia government shall be afforded unlimited time to make an opening statement.

(4) The Chairperson or presiding Member may afford more or less time to a witness in the interest of efficiency, fairness, or sound administration of the hearing.

Sec. 603. Testimony under Oath.

The Chairperson or presiding Member may require a witness to provide his or her testimony under oath or affirmation.

Sec. 604. Questions for the Record.

The Chairperson may request documents from a witness to further develop the record after a hearing or roundtable.

Sec. 605. Investigations.

(a) 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.

(b) The Committee shall use, report, issue, serve, and enforce subpoenas in accordance with Article VI of the Council Rules.

(c) The rights of witnesses contained in Article VI of the Council Rules are incorporated by reference.

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 the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., or other public buildings or public posting places;

(2) Publication in the *District of Columbia Register*;

(3) Mailing notice to an established mailing list of organizations and individuals maintained by the Secretary to the Council;

(4) Use of other news media;

(5) Posting on the Council of the District of Columbia website;

(6) Electronic mail; or

(7) Any other manner the Committee considers appropriate.

ARTICLE VIII – OPEN MEETINGS

Sec. 801. Policy.

The public policy of the Committee on the Judiciary is that all persons are entitled to full and complete information regarding the affairs of the Committee and the actions of Committee Members.

Sec. 802. Open Meetings.

(a) Except as provided in Section 803, a meeting shall be open to the public. A meeting shall be deemed open to the public if the public is permitted to be physically present; the news media, as defined by D.C. Official Code § 16-4701, is permitted to be physically present; or the meeting is televised.

(b) Before a meeting or portion of a meeting may be closed, the Committee shall meet in public session at which a majority of the Members present vote in favor of closure.

(c) A Committee meeting in closed session may not discuss or consider any matter other than those matters listed under Section 803 of the Committee Rules.

(d) No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at a meeting in compliance with this section.

Sec. 803. Exceptions.

A meeting, or portion of a meeting, may be closed for the following reasons:

(1) A statute or court order requires that a particular matter or proceeding not be made public;

(2) To establish or to instruct the Committee concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the entity negotiating;

(3) To establish or instruct the Committee concerning the position to be taken in negotiating incentives relating to the location or expansion of industries or other businesses in the District of Columbia, including agreement on a tentative list of economic development incentives that may be offered by the committee in negotiations;

(4) To consult with an attorney in order to preserve the attorney-client privilege between an attorney and a Committee, or to approve settlement agreements. Nothing herein shall be construed to permit the Committee to close a meeting that would otherwise be open merely because the attorney for the Committee is a participant;

(5) To discuss and take action regarding specific methods and procedures to protect the public from existing or potential terrorist activity or substantial dangers to public health and safety, and to receive briefings by staff members, legal counsel, law enforcement or emergency service officials concerning these methods and procedures; provided, that disclosure would endanger the public and a record of the closed session is made public if and when the public would not be endangered by that disclosure;

(6) To discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, unless the person requests an open meeting;

(7) To discuss any proprietary or confidential information;

(8) To train and develop members of the Committee and staff; provided, that prior to the training session, specific details regarding the nature of the training, topics to be covered, and exercises to be conducted are made available to the public; and

(9) To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of federal or District law, where disclosure to the public would harm the investigations.

ARTICLE IX - RULES

Sec. 901. Rules of the Council.

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 “Chairperson of the Committee,” and the term “Secretary” means “Committee Clerk or other Committee staff”: 101 (Definitions); 202 (Code of Official Conduct); 304 (Quorum); 305 (Hearing the Mayor); 321 (Decorum of Members); 322 (Decorum of Members of the Public); 331 (Obtaining the Floor); 332 (Time Limits for Debate); 333 (Personal Privilege); 334 (Points of Order); 335 (Appeal); 337 (Recognition of Non-Members); 341 (Motions Recognized During Debate); 342 (Withdrawal or Modification of Motions); 351 (Amendments to be Written); 345 ([Motions to] Reconsider); 361 (Form of Vote); 362 (Voice Votes); 363 (Demand for Roll Call Vote); 365 (Records of Votes); 366 (Proxy Voting Prohibited); 372 (Meetings of Council Deemed Open); 375 (Exceptions to Open Meetings); 423 (Methods of Notice); 418 (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); 803 (Reports on Legislation); 808 (Records of Legislative Meetings); 1001 (Parliamentary Authority); 1002 (Gender Rule of Construction); and 1003 (Suspension of Rules). Whenever there is inconsistency between these rules and the Council Period 21 Rules, the Council Rules shall govern.

Sec. 902. 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 proposing Member, and circulated to each Member at least 5 days prior to the meeting at which the proposed amendment is to be considered, unless the notice is waived by each Member to whom it is not given.

Sec. 903. Filing with the Council Secretary.

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

Sec. 904. Effective Period.

These rules will be 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 21.