

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 722
Rules and Operation of the Senate Committee Substitute
With Amendment Adopted 5/1/91
Third Edition Engrossed 5/7/91

Short Title: Expansion of Leg. Ethics Comm. Juris.

(Public)

Sponsors:

Referred to:

April 22, 1991

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE JURISDICTION OF THE LEGISLATIVE ETHICS COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-103 reads as rewritten:

"§ 120-103. Possible violations; procedures; disposition.

(a) Institution of Proceedings. – On its own motion, or in response to signed and sworn complaint of any individual filed with the Committee, the Committee shall inquire into any alleged ~~violation of any provision of this Article.~~ violation:

(1) Of any provision of this Article, including activities described by rules adopted in accordance with G.S. 120-102(7), or

(2) Of the criminal law by a legislator while acting in his official capacity.

(a1) Complaint. –

(1) A complaint filed under this Article shall state the nature of the violation, the date the alleged violation occurred, and either (i) that the contents of the complaint are within the knowledge of the individual verifying the complaint or (ii) the basis upon which the individual verifying the complaint believes the allegations to be true.

(2) Any individual who verifies a complaint knowing the allegations in the complaint to be untrue may be prosecuted for perjury under G.S. 14-209.

1 (b) Notice and Hearing. – If, after such preliminary investigation as it may
2 make, the Committee determines to proceed with an inquiry into the conduct of any
3 individual, the Committee shall notify the individual as to the fact of the inquiry and the
4 charges against him and shall schedule one or more hearings on the matter. The
5 individual shall have the right to present evidence, cross-examine witnesses, and be
6 represented by counsel at any hearings. The Committee may, in its discretion, hold
7 hearings in closed session; however, the individual whose conduct is under inquiry may,
8 by written demand filed with the Committee, require that all hearings before the
9 Committee concerning him be public or in closed session.

10 (c) Subpoenas. – The Committee may issue subpoenas to compel the attendance
11 of witnesses or the production of documents, books or other records. The Committee
12 may apply to the superior court to compel obedience to the subpoenas of the
13 Committee. Notwithstanding any other provision of law, every State agency, local
14 governmental agency, and units and subdivisions thereof shall make available to the
15 Committee any documents, records, data, statements or other information, except tax
16 returns or information relating thereto, which the Committee designates as being
17 necessary for the exercise of its powers and duties.

18 ~~(d) Disposition of Cases. – When the Committee has concluded its inquiries into~~
19 ~~alleged violations, the Committee may dispose of the matter in one or more of the~~
20 ~~following ways:~~

- 21 ~~(1) The Committee may dismiss the complaint and take no further action.~~
22 ~~In such case the Committee shall retain its records and findings in~~
23 ~~confidence unless the individual under inquiry requests in writing that~~
24 ~~the records and findings be made public.~~
- 25 ~~(2) The Committee may, if it finds substantial evidence that a criminal~~
26 ~~statute has been violated, refer the matter to the Attorney General for~~
27 ~~possible prosecution through appropriate channels.~~
- 28 ~~(3) The Committee may refer the matter to the appropriate House of the~~
29 ~~General Assembly for appropriate action. That House may, if it finds~~
30 ~~the member guilty of unethical conduct as defined in this Article,~~
31 ~~censure, suspend or expel the member.~~

32 (d) Disposition of Cases. –

- 33 (1) After the Committee has concluded its inquiries into the alleged
34 violations, the Committee shall:
- 35 a. Dismiss the complaint and take no further action,
36 b. Issue a public censure or private reprimand to the legislator, or
37 c. Refer the matter
- 38 1. To the Attorney General for possible prosecution
39 through appropriate channels or the appropriate house
40 for appropriate action, or both, if the Committee finds
41 substantial evidence of a violation of a criminal statute;
42 or
43 2. To the appropriate house for appropriate action, which
44 shall include censure, suspension, or expulsion, if the

