



Know Your Rights

In order to enforce House of Commons Code and House Administrative Code, the House established under The Criminal Code Act and the Due Process Act a complaint, hearing, and ruling process to provide consequences for violations.

What is a complaint? What kind of complaints are there?

- A complaint is the first step necessary in accusing a Member or Agency of violating the law. This document will list things such as the defendant, date(s) of incidents, facts and findings, and requested relief. The Office of the Inspector General (OIG) manages all complaints.
- The law provides for three kinds of complaints: civil, criminal, and administrative.
- A **civil** complaint is where a Member files a complaint against another Member for an alleged violation of House statute or common law that directly impacts the person filing the complaint.
- A **criminal** complaint is where either the Speaker or Sergeant-at-Arms files a complaint against a Member, following the issue of a ticket, for an alleged violation of House statute, common law, or a Rule of the House that is within the concern of the House as a whole.
- An **administrative** complaint is when granted in law, where a Member believes a House Agency violated the law in their actions or wishes to appeal a ruling the Agency made.

What happens after filing a complaint?

After filing a complaint, the defendant(s) listed will be notified and will have thirty (30) days to answer the complaint in writing. They may make motions during this time and may attempt to settle the case with you before a hearing occurs.



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What happens at a hearing?

At a hearing, both parties will be able to address their case and have witnesses testify on their behalf, and the Inspector General will preside and ask questions to either party. Additional hearings may be scheduled at the discretion of the Inspector General.

Do I have the right to appeal?

The law does not provide for a right to appeal.

What are fines/tickets and their purpose?

In a criminal complaint, a ticket will be issued to the defendant. Should the defendant know they are guilty, they may choose to pay the ticket. By doing this, you lose the right to a hearing and plead guilty to the accusation.

What are the limits to complaints?

- A criminal complaint cannot be filed against you if the Speaker nor the Sergeant-at-Arms saw the action occur. However, a civil complaint may still be filed.
- A Member cannot get both a civil and criminal complaint for the same crime.
- Administrative complaints are limited in various ways in statute.
- Criminal complaint relief is maxed at \$1,000.
- Generally, there is a statute of limitations of 180 days (HCC § 2-2-11(b))

Classes of Fines (Criminal Complaints)

- Infractions - not more than \$20
- Misdemeanors
 - Class C - not more than \$50
 - Class B - not more than \$150
 - Class A - not more than \$200
- Felonies
 - Class D - not more than \$100
 - Class C - not more than \$200
 - Class B - not more than \$500
 - Class A - not more than \$1,000



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Your Legal & Constitutional Rights

Article I, Section 9 of the House Constitution and HCC § 2-2-6 *et seq* provides rights for the accused.

- You cannot be tried twice for the same crime (HCC § 2-2-6(b)(2))
- You cannot be compelled to be a witness against yourself
- You must have due process of law
- You must be provided fair and just treatment in the course of investigations and/or hearings
- You have the right to submit evidence, facts, and findings within a time frame
- You have the right to have a non-bias person make a decision (HCC § 2-2-11(a))

Collection of Fines/Granted Monetary Relief

- All fines and granted monetary relief are collected by the Department of Revenue (DOR) and will be paid out either to the parties awarded the money or will be added to accounts payable of the House of Commons.
- DOR manages fine payment records.
- A fine may not be collected if:
 - It is more than 365 days since its issuance
 - It is forgiven by the House Assembly
- Members who have businesses with the Department of Commerce are subject to forced collection for fines outstanding for more than 60 days. (HCC § 2-1-6(d))
- DOR reserves the right to seize and sell assets in your name if a fine is outstanding for more than 60 days. (HCC § 2-1-6(e) *et seq.*)