

IC 2-2.2-3

Chapter 3. Legislative Ethics Committees

IC 2-2.2-3-1

Legislative ethics committees; establishment

Sec. 1. (a) The house legislative ethics committee is established.

(b) The senate legislative ethics committee is established.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-2

Membership; chair and vice chair

Sec. 2. (a) An ethics committee consists of the following:

(1) Three (3) members appointed by the presiding officer.

(2) Three (3) members appointed by the minority leader.

(b) The presiding officer shall designate a member of the ethics committee as chair of the committee. The presiding officer, upon the recommendation of the minority leader, shall designate a member of the ethics committee as vice chair of the ethics committee.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-3

Term of member; vacancy

Sec. 3. (a) The term of a member of an ethics committee begins on the day the member is appointed and ends on the day before the next general election. However, an appointing authority may replace a member at any time during the member's term.

(b) An appointing authority may appoint a member of the general assembly for more than one (1) term on an ethics committee.

(c) A vacancy in an individual's membership on an ethics committee occurs if the individual ceases to be a member of the chamber of the general assembly in which the individual was appointed.

(d) A vacancy on an ethics committee shall be filled in the same manner as the original appointment.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-4

Adoption of code of ethics; amendments; consistency with law; effectiveness

Sec. 4. (a) The house and the senate shall each adopt a code of ethics.

(b) The ethics committee may propose amendments to the code of ethics for adoption by its respective chamber.

(c) A code of ethics recommended by the ethics committee must be consistent with the Constitution of the State of Indiana, this article, and any other applicable law.

(d) Notwithstanding the occurrence of an election for the house or the senate, the code of ethics remains in effect until amended by the chamber to which the code of ethics applies.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-4.1

Status of current codes of ethics; expiration of section

Sec. 4.1. (a) The code of ethics in effect on July 1, 2015, remains the code of ethics in effect until it is amended as provided in section 4 of this chapter.

(b) This section expires July 1, 2017.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-5

Powers of ethics committee; requirements for complaint

Sec. 5. (a) The ethics committee may do any of the following:

- (1) Act as an advisory body to the general assembly and to members on questions relating to possible conflicts of interest.
- (2) Render opinions interpreting this article and the code of ethics.
- (3) Receive and hear any complaint that alleges:
 - (A) a breach of any privilege of the ethics committee's house;
 - (B) misconduct of a member in the course of his or her official duties as a member of the general assembly; or
 - (C) a violation of the code of ethics.
- (4) Obtain information with respect to a complaint filed under this section. The ethics committee may compel the attendance and testimony of witnesses and the production of relevant documents.
- (5) Recommend whatever sanction is appropriate with respect to a particular member as will best maintain the trust, respect, and confidence of the public in the general assembly.
- (6) Recommend legislation relating to the conduct and ethics of members.

(b) For a complaint to be considered by an ethics committee, the complaint must:

- (1) describe the acts or omissions that are the basis of the complaint with reasonable particularity and in sufficient detail to make it clear to an individual of ordinary understanding the breach, misconduct, or violation that is the basis of the complaint;
- (2) be submitted to the ethics committee (with a duplicate copy submitted to the speaker, if the subject of the complaint is a member of the house of representatives, or the president pro tempore, if the subject of the complaint is a member of the senate) in the form and in the manner provided in the rules of the chamber served by the ethics committee; and
- (3) be in writing and verified.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-6

Ethics committee investigations; procedure

Sec. 6. The ethics committee shall conduct an investigation as follows:

(1) When a complaint is filed with the ethics committee, a copy shall be sent promptly to the following:

(A) The person alleged to have committed the violation.

(B) The presiding officer.

(2) If the ethics committee determines the complaint does not allege facts sufficient to constitute a code or statutory violation, the complaint shall be dismissed and the complainant and respondent notified of the dismissal of the complaint.

(3) If the ethics committee determines that the complaint alleges facts sufficient to constitute a code or statutory violation, the ethics committee shall promptly investigate the alleged violation. The ethics committee may meet in executive session to conduct a preliminary investigation and to determine whether reasonable cause exists to support an alleged violation. If, after a preliminary investigation, the ethics committee finds that reasonable cause does not exist to support an alleged violation, the complaint shall be dismissed and the complainant and respondent notified of the dismissal of the complaint. All ethics committee investigations and records relating to the preliminary investigation are confidential.

(4) If, after the preliminary investigation, the ethics committee finds that reasonable cause exists to support an alleged violation, it shall convene a hearing on the matter not later than thirty (30) days after making this finding.

(5) If the ethics committee holds a hearing, the respondent shall be allowed to examine and make copies of all evidence in the committee's possession relating to the complaint. At the hearing, a respondent shall be afforded appropriate due process protection consistent with state administrative procedures, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses.

(6) After the hearing, the ethics committee shall state its findings of fact. If the committee, based on competent and substantial evidence, finds the respondent has violated a code or statutory provision, it shall state its findings in writing in a report to the presiding officer. The report must be supported and signed by a majority of the committee members. If the committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-7

Recusal of ethics committee member

Sec. 7. An ethics committee member may not participate in any matter in which the committee member is involved, except as a respondent.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-8

Review of statements of economic interests; require filer to provide additional information

Sec. 8. (a) The ethics committee shall provide for the review of each statement of economic interests filed under IC 2-2.2-2.

(b) The ethics committee may require a filer of a statement of economic interests to provide additional information about any matter reported or required to be reported in the filer's statement of economic interests.

As added by P.L.123-2015, SEC.2.

IC 2-2.2-3-9

Ethics training of members

Sec. 9. (a) Each member shall receive instruction in the ethics requirements of this article, the ethics rules, and any other relevant statutes.

(b) Each member must complete not less than one (1) hour of ethics instruction each year as determined by the presiding officer.

(c) Each member shall comply with the training requirements of the ethics rules established under this section.

As added by P.L.123-2015, SEC.2.