

2023<sup>RD</sup> ASSEMBLY  
2<sup>ND</sup> SESSION

# HR 11

IN THE  
**House of Commons**

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**JULY 18<sup>ND</sup> - THE GENTLEMEN, LEO CAVINDER,  
SUBMITS THE FOLLOWING BILL FOR  
CONSIDERATION; WHICH WAS HELD AT THE DESK.**

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**A BILL TO**

Amend the current civil and criminal crimes by establishing a civil, criminal, and administrative complaint process, filing requirements, hearing requirements, and decision deadlines, prohibits conflicts of interest, state of limitations, and motions each party can make.

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**B** E IT ENACTED *by this House of Commons with the advice and consent of the same, as follows:*

- 1 **SECTION 1. Title.**
- 2 This Act may be cited as “Due Process Act (DPA).”
- 3 **SECTION 2. Definitions.**
- 4 (a) “*Civil crime*”.—Where one Member files a complaint  
5 against another Member for allegedly violating a House  
6 statue or common law that concerns the plaintiff.
- 7 (b) “*Plaintiff*” “*Petitioner*”.—The Member who files the  
8 complaint.
- 9 (c) “*Criminal crime*”.—Where the Sergeant-at-Arms or the  
10 Speaker, on behalf of the House of Commons, issues a fine  
11 and files a complaint against a Member for allegedly  
12 violating a House statue or common law that is within the  
13 concern of the House as a whole.
- 14 (d) “*Administrative complaint*”.—Where statue permits, a  
15 Member may file a complaint with a House agency as  
16 defined in statue to remedy a situation.
- 17 (e) “*Defendant*”.—The Member who is responding to the  
18 complaint.
- 19 (f) “*Agency*”.—One of the following entities:
- 20 (1) The Health Advisor of the House;
- 21 (2) The Department of Revenue;

22 (3) The Department of Commerce; or

23 (4) The Office of the Inspector General.

24 (g) “*Default judgement*”.—Whereas the defendant fails to  
25 answer the complaint, the Inspector General shall  
26 automatically order the plaintiff’s as the presiding party.

27 **SECTION 3. Repeals.**

28 (a) Repeal HCC §§ 1-1-9, 2-1-5, 2-1-7.

29 **SECTION 4. Types of complaints.**

30 (a) CIVIL COMPLAINT.—Whereas a Member files a  
31 complaint with the House against another Member of the  
32 House for an alleged violation of a House statute or a  
33 common law that is in concern of the plaintiff.

34 (b) CRIMINAL COMPLAINT.—Whereas a Member with  
35 the authority and title of Sergeant-at-Arms or the  
36 Speaker, acting on behalf of the House of Commons,  
37 issues a fine and complaint against a Member of the  
38 House for allegedly violating a House statute, common  
39 law, or a Rule of the House that is within the concern of  
40 the House as a whole.

41 (1) A criminal complaint cannot be filed if the  
42 Sergeant-at-Arms nor the Speaker saw the alleged  
43 action occurred. A civil complaint may be filed by  
44 the injured party.

45 (2) DOUBLE JEOPARDY.—A Member cannot  
46 receive a duplicate civil and criminal complaint for  
47 the same allegation(s).

48 (c) ADMINISTRATIVE COMPLAINT.—Whereas a  
49 Member has the right only when granted in statute to file  
50 a complaint against a House agency if the Member has  
51 had:

52 (1) their rights violated in respect to action the  
53 agency took; or

54 (2) the agency makes a ruling (e.g., the agency  
55 rejects a Member’s claim; the agency removes a

56 particular status with the Member) in relation to  
57 the Member.

58 **SECTION 5. Civil complaints, hearings, findings,**  
59 **and decisions.**

60 (a) CIVIL COMPLAINT FILING REQUIREMENTS.—  
61 The Member shall file a complaint:

62 (1) within one-hundred and eighty (180) days of the  
63 alleged violation occurring;

64 (2) with the Office of Inspector General; and shall

65 (3) include the following in the complaint:

66 (A) the plaintiff's name;

67 (B) the defendant's name;

68 (C) the statute or common law violation,  
69 including all facts and findings;

70 (D) the date the violation occurred; and

71 (E) the request for relief.

72 (b) CIVIL COMPLIANT HEARING.—Upon filing a  
73 complaint:

74 (1) The defendant shall be presented a copy of the  
75 complaint and shall answer within thirty (30) days,  
76 in writing, including all respective facts and  
77 findings from the defendant, from the receipt of the  
78 complaint; and

79 (2) upon an answer in subsection (b)(1), the  
80 Inspector General shall conduct at least one (1)  
81 hearing within a reasonable time after the answer  
82 into the alleged violation of law, which shall allow:

83 (A) both parties to address their case;

84 (B) witnesses to testify on behalf of the  
85 parties;

86 (C) the Inspector General to ask questions to  
87 either party.

88           (3) Should it be necessary, additional hearings may  
89           be conducted at the discretion of the Inspector  
90           General.

91 (c) CIVIL COMPLAINT DECISION.—Following at least  
92 one (1) hearing, the Inspector General shall issue a  
93 written decision within forty-five (45) days of the last  
94 hearing that shall include:

- 95           (1) the Inspector General’s findings;
- 96           (2) the party that shall prevail; and
- 97           (3) relief that is granted, which may be different  
98           from the plaintiff’s request, or denied if the  
99           defendant is found to be innocent.

100 **SECTION 6. Criminal complaints, hearings,**  
101 **findings, and decisions.**

102 (a) FINES.—Upon filing a complaint, the authorized  
103 person shall issue a ticket to the alleged Member in  
104 violation of the statute(s), common law, or Rule(s) of the  
105 House in an amount either:

- 106           (1) as prescribed in statute or Rule; or, if not  
107           prescribed;
- 108           (2) in an amount to be fair, not to exceed one-  
109           thousand dollars (\$1,000).

110 (b) PAYING FINES.—Should a Member choose to pay a  
111 fine prior to a ruling, they waive their right to a hearing  
112 and by paying the fine, they presume themselves to be  
113 guilty of the crime they are accused of.

114 (a) CRIMINAL COMPLAINT FILING  
115 REQUIREMENTS.—The authorized party shall file a  
116 complaint:

- 117           (1) within one-hundred and eighty (180) days of the  
118           alleged violation occurring or finding out about the  
119           alleged violation;
- 120           (2) with the Office of Inspector General; and shall
- 121           (3) include the following in the complaint:

- 122 (A) the authorized person filing the  
123 complaint, either the Sergeant-at-Arms or  
124 the Speaker;
- 125 (B) the defendant's name;
- 126 (C) the statute, common law, or Rule violated,  
127 including all facts and findings;
- 128 (D) the date the violation occurred; and
- 129 (E) the penalties of the crime, if prescribed in  
130 statute, or the penalty the authorized party  
131 wishes to seek.

132 (b) CRIMINAL COMPLIANT HEARING.—Upon filing a  
133 complaint:

134 (1) The defendant shall be presented a copy of the  
135 complaint and shall answer within thirty (30) days,  
136 in writing, including all respective facts and  
137 findings from the defendant, from the receipt of the  
138 complaint; and

139 (2) upon an answer in subsection (b)(1), the  
140 Inspector General shall conduct at least one (1)  
141 hearing within a reasonable time after the answer  
142 into the alleged violation of law, which shall allow:

143 (A) both parties to address their case;

144 (B) witnesses to testify on behalf of the  
145 parties;

146 (C) the Inspector General to ask questions to  
147 either party.

148 (3) Should it be necessary, additional hearings may  
149 be conducted at the discretion of the Inspector  
150 General.

151 (c) CRIMINAL COMPLANT DECISION.—Following at  
152 least one (1) hearing, the Inspector General shall issue a  
153 written decision within forty-five (45) days of the last  
154 hearing that shall include:

155 (1) the Inspector General's findings;

156 (2) the party that shall prevail; and

157 (3) relief, should the defendant be found guilty,  
158 which shall be either:

159 (A) at most, the amount of money prescribed  
160 in statute or the Rule; or, if not prescribed;

161 (B) an amount not to exceed one-thousand  
162 dollars (\$1,000).

163 **SECTION 7. Administrative complaints, hearings,**  
164 **findings, and decisions.**

165 (a) ADMINISTRATIVE COMPLAINT FILING  
166 REQUIREMENTS.—The Member shall file a complaint:

167 (1) if they are given a right under statute to pursue  
168 an administrative complaint against the Agency for  
169 the particular grievance they are facing;

170 (2) within the timeframe granted in statute for the  
171 particular Agency;

172 (3) with the Office of Inspector General; and shall

173 (4) include the following in the complaint:

174 (A) the plaintiff's name;

175 (B) the defendant's name, which should be  
176 the Agency;

177 (C) all facts and findings about the situation;

178 (D) the date the Agency took action on the  
179 Member; and

180 (E) the specific request for relief, which must  
181 conform to statutory limits.

182 (i) Request for monetary relief may  
183 only be granted if statute permits such  
184 relief with the Agency.

185 (b) ADMINISTRATIVE COMPLIANT HEARING.—Upon  
186 filing a complaint:

187 (1) The Agency shall be presented a copy of the  
188 complaint and shall answer within thirty (30) days,  
189 in writing, including all respective facts and  
190 findings from the Agency, from the receipt of the  
191 complaint; and

192 (2) upon an answer in subsection (b)(1), the  
193 Inspector General shall conduct at least one (1)  
194 hearing within a reasonable time after the answer  
195 into the alleged violation of law, which shall allow:

196 (A) both parties to address their case;

197 (B) witnesses to testify on behalf of the  
198 parties; and

199 (C) the Inspector General to ask questions to  
200 either party.

201 (3) Should it be necessary, additional hearings may  
202 be conducted at the discretion of the Inspector  
203 General.

204 (c) ADMINISTRATIVE COMPLAINT DECISION.—  
205 Following at least one (1) hearing, the Inspector General  
206 shall issue a written decision within forty-five (45) days of  
207 the last hearing that shall include:

208 (1) the Inspector General’s findings;

209 (2) the party that shall prevail; and

210 (3) relief that is granted, which may be different  
211 from the plaintiff’s request, or denied if:

212 (A) the Agency is found to be innocent of any  
213 violations;

214 (B) the Agency operated within its capacity;  
215 or

216 (C) the Agency’s decision, specifically  
217 revoking, was within reason.

218 **SECTION 8. Complaint actions.**

219 (a) COMPLAINT MOTIONS.—Either party may move  
220 any of the following motions, and the Inspector General



221 shall issue a decision on each motion within a reasonable  
222 timeframe:

223 (1) MOTION TO DISMISS.—If the complaint has  
224 been resolved before a decision has been issued or if  
225 there are no longer any issues, either party may  
226 move to dismiss.

227 (A) Should both parties wish to dismiss,  
228 they must both sign said motion.

229 (2) MOTION TO ENLARGE TIME.—Should either  
230 party need more time to respond to a complaint,  
231 either party may move to enlarge the time they  
232 have to respond.

233 (b) FAILURE TO ANSWER COMPLAINT.—Should the  
234 defendant fail to answer a complaint, the plaintiff shall  
235 move for default judgement and the Inspector General  
236 shall issue a decision within ten (10) days from the  
237 motion.

238 (c) AGGRAVATED FACTORS.—If the defendant has a  
239 history of committing crimes, they may be taken into  
240 account when issuing relief in a criminal complaint.

241 **SECTION 9. Additional statutes.**

242 (a) PROHIBITION ON CONFLICT OF INTEREST.—The  
243 Sergeant-at-Arms cannot also be the Inspector General.

244 (b) STATUTE OF LIMITATIONS.—Complaints must be  
245 filed:

246 (1) if civil, within 180 days after the violation;

247 (2) if criminal, within 180 days after the violation  
248 or 180 days after knowing about the violation; or

249 (3) if administrative, within the timeframe  
250 prescribed in statute.

251 (c) COLLECTION AMENDMENT.—Strike all in HCC §  
252 2-1-6 and insert:

253 “(a) The Inspector General shall be permitted to  
254 take all actions necessary to collect monetary relief  
255 awarded.

256 (b) All money collected by the Inspector General  
257 shall be turned over to the Department of Revenue  
258 (DOR).

259 (c) STATUES OF LIMITATIONS.—The Inspector  
260 General shall not request payment, nor should the  
261 party owe money, if one of the following is met:

262 (1) It has been 365 days from the date of the  
263 issued decision; or

264 (2) It has been forgiven by the House  
265 Assembly through a resolution.

266 (d) Should a Member have a business under the  
267 jurisdiction of the Secretary of Commerce and have  
268 a(n) outstanding amount of money they owe that  
269 has not been paid within sixty (60) days from the  
270 date of the issuance of the decision, the Agency and  
271 the Secretary shall have the authority to collect up  
272 to sixty (60%) percent of the businesses profit  
273 within a three-month period for the purposes of  
274 collecting fine(s).

275 (e) A Member shall pay, in full, the amount they  
276 owe within sixty (60) days from the date the  
277 decision came out.

278 (f) Members who fail to pay within the  
279 requirements of subsection (e) shall be subject to  
280 forced collection, which shall be managed by the  
281 Department of Revenue.

282 (g) The Department of Revenue shall have the  
283 authority to:

284 (1) withdraw funds from a bank account in  
285 the Member's name; and

286 (2) sell assets in the Member's name.

287 (h) The Department of Revenue shall inform the  
288 Member when they have ten (10) days left to pay  
289 before the Member is subject to forced collection.”

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*Speaker of the House Assent*