

# Union Calendar No. 578

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4419

**[Report No. 114-745]**

To update the financial disclosure requirements for judges of the District  
of Columbia courts.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2016

Ms. NORTON introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

SEPTEMBER 13, 2016

Reported with amendments, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

[Insert the part printed in *italic*]

# **A BILL**

To update the financial disclosure requirements for judges  
of the District of Columbia courts.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia  
5 Judicial Financial Transparency Act”.

6 **SEC. 2. FINANCIAL DISCLOSURE REQUIREMENTS FOR**  
7 **JUDGES OF DISTRICT OF COLUMBIA COURTS.**

8 (a) REQUIREMENTS DESCRIBED.—Section 11–1530,  
9 D.C. Official Code, is amended to read as follows:

10 **“§ 11–1530. Financial statements**

11 “(a) Pursuant to such rules as the Commission shall  
12 promulgate, each judge of the District of Columbia courts  
13 shall, within one year following the date of enactment of  
14 the District of Columbia Court Reorganization Act of  
15 1970 and at least annually thereafter, file with the Com-  
16 mission a report containing the following information:

17 “(1)(A) The source, type and amount of the  
18 judge’s income which exceeds \$200 (other than in-  
19 come from the United States government and in-  
20 come referred to in subparagraph (C)) for the period  
21 covered by the report.

22 “(B) The source and type of the judge’s  
23 spouse’s income which exceeds \$1,000 (other than  
24 income from the United States government and in-

1       come referred to in subparagraph (C)) for the period  
2       covered by the report.

3           “(C) The source and type of income which con-  
4       sists of dividends, rents, interest, and capital gains  
5       received by the judge and the judge’s spouse during  
6       such period which exceeds \$200 in amount or value,  
7       and an indication of which of the following cat-  
8       egories the amount or value of such item of income  
9       is within—

10           “(i) not more than \$1,000,

11           “(ii) greater than 1,000 but not more than  
12       \$2,500,

13           “(iii) greater than \$2,500 but not more  
14       than \$5,000,

15           “(iv) greater than \$5,000 but not more  
16       than \$15,000,

17           “(v) greater than \$15,000 but not more  
18       than \$50,000,

19           “(vi) greater than \$50,000 but not more  
20       than \$100,000,

21           “(vii) greater than \$100,000 but not more  
22       than \$1,000,000,

23           “(viii) greater than \$1,000,000 but not  
24       more than \$5,000,000, or

25           “(ix) greater than \$5,000,000.

1           “(2) The name and address of each private  
2           foundation or eleemosynary institution, and of each  
3           business or professional corporation, firm, or enter-  
4           prise in which the judge was an officer, director,  
5           proprietor, or partner during such period.

6           “(3) The identity and category of value (as set  
7           forth in subsection (b)) of each liability of \$10,000  
8           or more owed by the judge or by the judge and the  
9           judge’s spouse jointly at any time during such pe-  
10          riod.

11          “(4) The source and value of all gifts in the ag-  
12          gregate amount or value of \$250 or more from any  
13          single source received by the judge during such pe-  
14          riod, except gifts from the judge’s spouse or any of  
15          the judge’s children or parents.

16          “(5) The identity of each trust in which the  
17          judge held a beneficial interest having a value of  
18          \$10,000 or more at any time during such period,  
19          and in the case of any trust in which the judge held  
20          any beneficial interest during such period, the iden-  
21          tity, if known, of each interest in real or personal  
22          property in which the trust held a beneficial interest  
23          having a value of \$10,000 or more at any time dur-  
24          ing such period. If the judge cannot obtain the iden-  
25          tity of the trust interest, the judge shall request the

1 trustee to report that information to the Commis-  
2 sion.

3 “(6) The identity and category of value (as set  
4 forth in subsection (b)) of each interest in real or  
5 personal property having a value of \$10,000 or more  
6 which the judge owned at any time during such pe-  
7 riod.

8 “(7) The amount or value and source of each  
9 honorarium of \$250 or more received by the judge  
10 and the judge’s spouse during such period.

11 “(8) The source and amount of all money, other  
12 than that received from the United States govern-  
13 ment, received in the form of an expense account or  
14 as reimbursement for expenditures from any source  
15 aggregating more than \$250 during such period.

16 “(9) The source and amount of all waivers or  
17 partial waivers of fees or charges accepted by the  
18 judge on behalf of the judge or the judge’s spouse,  
19 domestic partner, or guest during such period.

20 “(b) For purposes of paragraphs (3) and (6) of sub-  
21 section (a), the categories of value set forth in this sub-  
22 section are—

23 “(1) not more than \$15,000;

24 “(2) greater than \$15,000 but not more than  
25 \$50,000;

1           “(3) greater than \$50,000 but not more than  
2       \$100,000;

3           “(4) greater than \$100,000 but not more than  
4       \$250,000;

5           “(5) greater than \$250,000 but not more than  
6       \$500,000;

7           “(6) greater than \$500,000 but not more than  
8       \$1,000,000;

9           “(7) greater than \$1,000,000 but not more  
10      than \$5,000,000;

11          “(8) greater than \$5,000,000 but not more  
12      than \$25,000,000;

13          “(9) greater than \$25,000,000 but not more  
14      than \$50,000,000; and

15          “(10) greater than \$50,000,000.

16      “(c)(1) Reports filed pursuant to this section shall,  
17      upon written request, and notice to the reporting judge  
18      for purposes of making an application to the Commission  
19      for a redaction pursuant to paragraph (2), be made avail-  
20      able for public inspection and copying within a reasonable  
21      time after filing and during the period they are kept by  
22      the Commission (in accordance with rules promulgated by  
23      the Commission), and shall be kept by the Commission  
24      for not less than three years.

1       “(2) This section does not require the public avail-  
 2       ability of reports filed by a judge if upon application by  
 3       the reporting judge, a finding is made by the Commission  
 4       that revealing personal and sensitive information could en-  
 5       danger that judge or a family member of that judge, ex-  
 6       cept that a report may be redacted pursuant to this para-  
 7       graph only—

8               “(A) to the extent necessary to protect the indi-  
 9       vidual who filed the report or a family member of  
 10       that individual; and

11              “(B) for as long as the danger to such indi-  
 12       vidual exists.

13       “(d) The intentional failure by a judge of a District  
 14       of Columbia court to file a report required by this section,  
 15       or the filing of a fraudulent report, shall constitute willful  
 16       misconduct in office and shall be grounds for removal from  
 17       office under section 11–1526(a)(2).”.

18       (b) EFFECTIVE DATE.—The amendment made by  
 19       subsection (a) shall apply with respect to reports filed  
 20       under section 11–1530, D.C. Official Code, that cover pe-  
 21       riods beginning during or after 2016.

22       **SEC. 3. AUTHORITY OF PROBATE DIVISION TO USE MAG-**  
 23       **ISTRATE JUDGES.**

24       (a) *IN GENERAL.*—Section 11–1732(j)(5), District of  
 25       Columbia Official Code, is amended by striking “Family



1 *Divisions” and inserting “Probate Divisions, and the Fam-*  
 2 *ily Court,”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.—Sec-*  
 4 *tion 11–1732(j)(4)(A), District of Columbia Official Code,*  
 5 *is amended by striking “Family Division” and inserting*  
 6 *“Family Court”.*

7 **SEC. 4. AUTHORITY OF DISTRICT OF COLUMBIA COURTS TO**  
 8 **ACCEPT CERTAIN TYPES OF PAYMENTS.**

9 (a) *IN GENERAL.—Subchapter III of chapter 17 of*  
 10 *title 11, District of Columbia Code, is amended by adding*  
 11 *at the end the following:*

12 **“§ 11–1748. Authority of courts to accept certain types**  
 13 **of payments**

14 “(a) *DEFINITIONS.—In this section, the term ‘elec-*  
 15 *tronic funds transfer’—*

16 “(1) *means a transfer of funds, other than a*  
 17 *transaction by check, draft, or similar paper instru-*  
 18 *ment, that is initiated through an electronic terminal,*  
 19 *telephone, or computer or magnetic tape for the pur-*  
 20 *pose of ordering, instructing, or authorizing a finan-*  
 21 *cial institution to debit or credit an account; and*

22 “(2) *includes point of sale transfers, automated*  
 23 *teller machine transfers, direct deposit or withdrawal*  
 24 *of funds, transfers initiated by telephone, and trans-*  
 25 *fers resulting from debit card transactions.*

1       “(b) *AUTHORITY TO ACCEPT CREDIT CARD PAYMENTS*  
2 *AND ELECTRONIC FUNDS TRANSFERS.*—

3               “(1) *IN GENERAL.*—*The District of Columbia*  
4 *courts may accept payment of fines, fees, escrow pay-*  
5 *ments, restitution, bonds, and other payments to the*  
6 *courts by credit card or electronic funds transfer.*

7               “(2) *USE OF VENDORS AND THIRD PARTY PRO-*  
8 *VIDERS.*—*The Executive officer*—

9                       “(A) *may contract with a bank or credit*  
10 *card vendor, or other third party provider, for*  
11 *purposes of accepting payments by credit card or*  
12 *electronic funds transfer; and*

13                      “(B) *shall make every effort to find the low-*  
14 *est cost vendor for purposes of accepting such*  
15 *payments.*

16               “(3) *RESPONSIBILITY FOR PAYING FEES.*—*Under*  
17 *any contract entered into under paragraph (2), the*  
18 *person making the payment shall be responsible for*  
19 *covering any fee or charge associated or imposed with*  
20 *respect to the method of payment.*

21               “(4) *COMPLETION OF PAYMENT.*—*If a person*  
22 *elects to make a payment to the District of Columbia*  
23 *courts by a method authorized under paragraph (1),*  
24 *the payment shall not be deemed to be made until the*  
25 *courts receive the funds.*

1       “(c) *AUTHORITY TO ACCEPT CHECKS.*—

2               “(1) *IN GENERAL.*—*The District of Columbia*  
3       *courts may accept payment of fines, fees, escrow pay-*  
4       *ments, restitution, bonds, and other payments to the*  
5       *courts by check.*

6               “(2) *USE OF CHECK GUARANTEE VENDOR.*—*The*  
7       *Executive Officer*—

8               “(A) *may contract with a check guarantee*  
9       *vendor for purposes of accepting payments by*  
10       *check; and*

11               “(B) *shall make every effort to find the low-*  
12       *est cost vendor for purposes of accepting such*  
13       *payments.*

14               “(3) *RESPONSIBILITY FOR PAYING FEES.*—*Under*  
15       *any contract entered into under paragraph (2), the*  
16       *person making the payment by check shall be respon-*  
17       *sible for covering any fee or charge associated or im-*  
18       *posed with respect to the method of payment.*

19               “(d) *LIABILITY FOR NON-PAYMENT.*—*If a check or*  
20       *other method of payment, including payment by credit*  
21       *card, debit card, or charge card, so received is not duly*  
22       *paid, or is paid and subsequently charged back to the Dis-*  
23       *trict of Columbia courts, the person by whom such check*  
24       *or other method of payment has been tendered shall remain*

1 *liable for the payment, to the same extent as if such check*  
 2 *or other method of payment had not been tendered.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*  
 4 *table of sections for subchapter III of chapter 17 of title*  
 5 *11, District of Columbia Code, is amended by adding at*  
 6 *the end the following:*

*“11–1748. Authority of courts to accept certain types of payments.”.*

7 **SEC. 5. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY**  
 8 **PERMITTED FOR CASES UNDER JURISDIC-**  
 9 **TION OF SMALL CLAIMS AND CONCILIATION**  
 10 **BRANCH OF SUPERIOR COURT.**

11 (a) *IN GENERAL.—Section 11–1321, District of Co-*  
 12 *lumbia Official Code, is amended by striking “\$5,000” and*  
 13 *inserting “\$10,000”.*

14 (b) *EFFECTIVE DATE.—The amendment made by sub-*  
 15 *section (a) shall apply to any case filed in the Superior*  
 16 *Court of the District of Columbia on or after the date of*  
 17 *enactment of this Act.*

18 **SEC. 6. AUTHORITY TO APPROVE COMPENSATION OF AT-**  
 19 **TORNEYS IN EXCESS OF MAXIMUM AMOUNT.**

20 (a) *IN GENERAL.—*

21 (1) *CRIMINAL DEFENSE APPOINTMENTS.—Sec-*  
 22 *tion 11–2604(c), District of Columbia Official Code,*  
 23 *is amended by striking the last sentence and inserting*  
 24 *the following: “Each chief judge may delegate such*

1       *approval authority to an active or senior judge in the*  
 2       *court in which the chief judge sits.”.*

3               (2) *CHILD ABUSE AND NEGLECT APPOINT-*  
 4       *MENTS.—Section 16–2326.01(f), District of Columbia*  
 5       *Official Code, is amended—*

6                       (A) *by striking “(f)(1)” and inserting “(f)”;*

7                       (B) *by striking paragraph (2); and*

8                       (C) *by adding at the end the following:*

9                       *“Each chief judge may delegate such approval*  
 10                      *authority to an active or senior judge in the*  
 11                      *court in which the chief judge sits.”.*

12           (b) *EFFECTIVE DATE.—The amendments made by sub-*  
 13       *section (a) shall apply with respect to any case or pro-*  
 14       *ceeding initiated on or after the date of enactment of this*  
 15       *Act.*

Amend the title so as to read: “A bill to update the financial disclosure requirements for judges of the District of Columbia courts and to make other improvements to the District of Columbia courts.”.

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114<sup>TH</sup> CONGRESS  
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**H. R. 4419**

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