

114TH CONGRESS
2D SESSION

S. 2966

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.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2016

Mr. LANKFORD (for himself, Mr. CARPER, Mr. JOHNSON, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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.

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”.

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

3 (a) REQUIREMENTS DESCRIBED.—Section 11–1530,
4 District of Columbia Official Code, is amended to read as
5 follows:

6 **“§ 11–1530. Financial statements**

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

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

18 “(B) The source and type of the judge’s
19 spouse’s income which exceeds \$1,000 (other than
20 income from the United States government and in-
21 come referred to in subparagraph (C)) for the period
22 covered by the report.

23 “(C) The source and type of income which con-
24 sists of dividends, rents, interest, and capital gains
25 received by the judge and the judge’s spouse during
26 such period which exceeds \$200 in amount or value,

1 and an indication of which of the following cat-
2 egories the amount or value of such item of income
3 is within—

4 “(i) not more than \$1,000,

5 “(ii) greater than 1,000 but not more than
6 \$2,500,

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

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

11 “(v) greater than \$15,000 but not more
12 than \$50,000,

13 “(vi) greater than \$50,000 but not more
14 than \$100,000,

15 “(vii) greater than \$100,000 but not more
16 than \$1,000,000,

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

19 “(ix) greater than \$5,000,000.

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

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

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

11 “(5) The identity of each trust in which the
12 judge held a beneficial interest having a value of
13 \$10,000 or more at any time during such period,
14 and in the case of any trust in which the judge held
15 any beneficial interest during such period, the iden-
16 tity, if known, of each interest in real or personal
17 property in which the trust held a beneficial interest
18 having a value of \$10,000 or more at any time dur-
19 ing such period. If the judge cannot obtain the iden-
20 tity of the trust interest, the judge shall request the
21 trustee to report that information to the Commis-
22 sion.

23 “(6) The identity and category of value (as set
24 forth in subsection (b)) of each interest in real or
25 personal property having a value of \$10,000 or more

1 which the judge owned at any time during such pe-
2 riod.

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

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

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

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

18 “(1) not more than \$15,000;

19 “(2) greater than \$15,000 but not more than
20 \$50,000;

21 “(3) greater than \$50,000 but not more than
22 \$100,000;

23 “(4) greater than \$100,000 but not more than
24 \$250,000;

1 “(5) greater than \$250,000 but not more than
2 \$500,000;

3 “(6) greater than \$500,000 but not more than
4 \$1,000,000;

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

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

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

11 “(10) greater than \$50,000,000.

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

21 “(2) This section does not require the public avail-
22 ability of reports filed by a judge if upon application by
23 the reporting judge, a finding is made by the Commission
24 that revealing personal and sensitive information could en-
25 danger that judge or a family member of that judge, ex-

1 cept that a report may be redacted pursuant to this para-
 2 graph only—

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

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

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

13 (b) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall apply with respect to reports filed
 15 under section 11–1530, District of Columbia Official
 16 Code, that cover periods beginning during or after 2016.

17 **SEC. 3. AUTHORITY OF PROBATE DIVISION TO USE MAG-**
 18 **ISTRATE JUDGES.**

19 (a) IN GENERAL.—Section 11–1732(j)(5), District of
 20 Columbia Official Code, is amended by striking “Family
 21 Divisions” and inserting “Probate Divisions, and the
 22 Family Court,”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 Section 11–1732(j)(4)(A), District of Columbia Official

1 Code, is amended by striking “Family Division” and in-
 2 serting “Family Court”.

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

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

8 **“§ 11-1748. Authority of courts to accept certain**
 9 **types of payments**

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

12 “(1) means a transfer of funds, other than a
 13 transaction by check, draft, or similar paper instru-
 14 ment, that is initiated through an electronic ter-
 15 minal, telephone, or computer or magnetic tape for
 16 the purpose of ordering, instructing, or authorizing
 17 a financial institution to debit or credit an account;
 18 and

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

23 “(b) AUTHORITY TO ACCEPT CREDIT CARD PAY-
 24 MENTS AND ELECTRONIC FUNDS TRANSFERS.—

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

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

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

12 “(B) shall make every effort to find the
13 lowest cost vendor for purposes of accepting
14 such payments.

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

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

25 “(c) AUTHORITY TO ACCEPT CHECKS.—

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

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

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

10 “(B) shall make every effort to find the
11 lowest cost vendor for purposes of accepting
12 such payments.

13 “(3) RESPONSIBILITY FOR PAYING FEES.—
14 Under any contract entered into under paragraph
15 (2), the person making the payment by check shall
16 be responsible for covering any fee or charge associ-
17 ated or imposed with respect to the method of pay-
18 ment.

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 re-
25 main liable for the payment, to the same extent as if such

1 check or other method of payment had not been ten-
2 dered.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
4 The table of sections for subchapter III of chapter 17 of
5 title 11, District of Columbia Code, is amended by adding
6 at 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”
13 and inserting “\$10,000”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 subsection (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.**—Section 11–2604(c), District of
21 Columbia Official Code, is amended by striking the last
22 sentence and inserting “The chief judge may delegate such
23 approval authority to an active or senior judge.”.

24 (b) **EFFECTIVE DATE.**—The amendment made by
25 subsection (a) shall apply with respect to any case or pro-

1 ceeding initiated on or after the date of enactment of this
2 Act.

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