

Calendar No. 645114TH CONGRESS
2^D SESSION**S. 2966****[Report No. 114–359]**

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

SEPTEMBER 27, 2016

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

9 **“§ 11–1530. Financial statements**

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

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

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

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

8 “(i) not more than \$1,000;;

9 “(ii) greater than 1,000 but not more than
 10 \$2,500;;

11 “(iii) greater than \$2,500 but not more
 12 than \$5,000;;

13 “(iv) greater than \$5,000 but not more
 14 than \$15,000;;

15 “(v) greater than \$15,000 but not more
 16 than \$50,000;;

17 “(vi) greater than \$50,000 but not more
 18 than \$100,000;;

19 “(vii) greater than \$100,000 but not more
 20 than \$1,000,000;;

21 “(viii) greater than \$1,000,000 but not
 22 more than \$5,000,000; or

23 “(ix) greater than \$5,000,000.

24 “(2) The name and address of each private
 25 foundation or eleemosynary institution, and of each

1 business or professional corporation, firm, or enter-
2 prise in which the judge was an officer, director,
3 proprietor, or partner during such period.

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

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

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

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

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

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

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

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

21 “(1) not more than \$15,000;

22 “(2) greater than \$15,000 but not more than
23 \$50,000;

24 “(3) greater than \$50,000 but not more than
25 \$100,000;

1 “(4) greater than \$100,000 but not more than
2 \$250,000;

3 “(5) greater than \$250,000 but not more than
4 \$500,000;

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

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

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

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

13 “(10) greater than \$50,000,000.

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

23 “(2) This section does not require the public avail-
24 ability of reports filed by a judge if upon application by
25 the reporting judge, a finding is made by the Commission

1 that revealing personal and sensitive information could en-
 2 danger that judge or a family member of that judge, ex-
 3 cept that a report may be redacted pursuant to this para-
 4 graph only—

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

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

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

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

19 **SEC. 3. AUTHORITY OF PROBATE DIVISION TO USE MAG-**
 20 **ISTRATE JUDGES.**

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

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 Section 11–1732(j)(4)(A), District of Columbia Official
 3 Code, is amended by striking “Family Division” and in-
 4 serting “Family Court”.

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

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

10 **“§ 11–1748. Authority of courts to accept certain**
 11 **types of payments**

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

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

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

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

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

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

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

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

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

22 “(4) COMPLETION OF PAYMENT.—If a person
23 elects to make a payment to the District of Colum-
24 bia courts by a method authorized under paragraph

1 (1), the payment shall not be deemed to be made
2 until the courts receive the funds.

3 “(c) AUTHORITY TO ACCEPT CHECKS.—

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

8 “(2) USE OF CHECK GUARANTEE VENDOR.—
9 The Executive Officer—

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

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

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

22 “(d) LIABILITY FOR NON-PAYMENT.—If a check or
23 other method of payment, including payment by credit
24 card, debit card, or charge card, so received is not duly
25 paid, or is paid and subsequently charged back to the Dis-

1 triet of Columbia courts, the person by whom such check
 2 or other method of payment has been tendered shall re-
 3 main liable for the payment, to the same extent as if such
 4 check or other method of payment had not been ten-
 5 dered.”.

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

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

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

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

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall apply to any case filed in the Superior
 19 Court of the District of Columbia on or after the date of
 20 enactment of this Act.

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

23 (a) IN GENERAL.—Section 11–2604(c), District of
 24 Columbia Official Code, is amended by striking the last

1 sentence and inserting “The chief judge may delegate such
2 approval authority to an active or senior judge.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply with respect to any case or pro-
5 ceeding initiated on or after the date of enactment of this
6 Act.

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

9 (a) *IN GENERAL.*—

10 (1) *CRIMINAL DEFENSE APPOINTMENTS.*—*Sec-*
11 *tion 11–2604(c), District of Columbia Official Code,*
12 *is amended by striking the last sentence and inserting*
13 *the following: “Each chief judge may delegate such*
14 *approval authority to an active or senior judge in the*
15 *court in which the chief judge sits.”.*

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

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

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

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

22 *“Each chief judge may delegate such approval*
23 *authority to an active or senior judge in the*
24 *court in which the chief judge sits.”.*

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

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