

116TH CONGRESS
2D SESSION

H. R. 7941

To amend title 11, District of Columbia Official Code, to expand the authorities of magistrate judges of the District of Columbia courts, to modernize the rules and procedures for the service of jurors in District of Columbia courts, to authorize the establishment of a program of voluntary separation incentive payments for nonjudicial employees of the District of Columbia courts and employees of the District of Columbia Public Defender Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2020

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

A BILL

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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 Courts Improvement Act of 2020”.

4 **SEC. 2. EXPANSION OF AUTHORITY OF MAGISTRATE**
5 **JUDGES OF SUPERIOR COURT TO PERFORM**
6 **CERTAIN JUDICIAL FUNCTIONS.**

7 (a) EXPANDED AUTHORITIES DESCRIBED.—Section
8 11–1732(j), District of Columbia Official Code, is amend-
9 ed by striking paragraph (5) and inserting the following:

10 “(5) Issue arrest and search warrants pursuant
11 to subchapters II and IV of chapter 5 of title 23,
12 District of Columbia Official Code, and search war-
13 rants pursuant to section 14 of the Uniform Nar-
14 cotic Drug Act (52 Stat. 792; sec. 48–921.02, D.C.
15 Official Code).

16 “(6) In the case of proceedings which are initi-
17 ated prior to the expiration of the 5-year period
18 which begins on the date of the enactment of the
19 District of Columbia Courts Improvement Act of
20 2020, conduct hearings, make findings, and enter in-
21 terim and final orders or judgments in uncontested
22 or contested proceedings in the Probate and Civil
23 Divisions of the Superior Court, excluding the fol-
24 lowing proceedings:

25 “(A) Trials.

1 “(B) Contested motions to dismiss, for
2 judgment on the pleadings, and for summary
3 judgment.

4 “(7) Enter an order punishing an individual for
5 contempt, except that no individual may be detained
6 pursuant to the authority of this paragraph for
7 longer than 180 days, and such an order shall not
8 be subject to the limitations and exclusions applica-
9 ble to orders under paragraph (6).

10 “(8) In addition to the functions described in
11 the preceding paragraphs, with the consent of the
12 parties involved, conduct hearings, make findings,
13 and enter interim and final orders or judgments in
14 all other uncontested or contested proceedings in the
15 Civil, Criminal, and Probate Divisions and the Fam-
16 ily Court of the Superior Court, excluding jury trials
17 in the Criminal Division and trials of felony cases in
18 the Criminal Division.”.

19 (b) CONFORMING AMENDMENT RELATING TO RE-
20 VIEW OF ORDERS AND JUDGMENTS.—Section 11-
21 1732(k), District of Columbia Official Code, is amended
22 by striking “With respect to proceedings” and all that fol-
23 lows through “in the case of magistrate judges” and in-
24 serting the following: “With respect to hearings and pro-
25 ceedings under paragraphs (2), (3), (4), (6), (7), and (8)

1 of subsection (j) (or proceedings and hearings under sec-
2 tion 11–1732A(d), in the case of magistrate judges”.

3 (c) TECHNICAL AMENDMENT.—Paragraphs (1), (2),
4 (3), and (4) of section 11–1732(j), District of Columbia
5 Official Code, are each amended by striking the semicolon
6 at the end and inserting a period.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act, except that paragraph (5) of section 11–
10 1732(j), District of Columbia Official Code (as amended
11 by subsection (a)), shall take effect on the effective date
12 of a law enacted after the date of the enactment of this
13 Act by the government of the District of Columbia which
14 amends section 23–501(1), District of Columbia Official
15 Code, and section 14 of the Uniform Narcotic Drug Act
16 (52 Stat. 792; sec. 48–921.02, D.C. Official Code) to take
17 such paragraph (as amended by subsection (a)) into ac-
18 count.

19 **SEC. 3. MODERNIZATION OF RULES AND PROCEDURES RE-**
20 **LATING TO SERVICE OF JURORS.**

21 (a) ESTABLISHING FEES FOR JURORS SERVING IN
22 SUPERIOR COURT OF THE DISTRICT OF COLUMBIA AT
23 SAME RATES PAID FOR JURORS SERVING IN UNITED
24 STATES DISTRICT COURTS.—

1 (1) ESTABLISHMENT OF FEES.—Section 11–
2 1912(a), District of Columbia Official Code, is
3 amended to read as follows:

4 “(a) Grand and petit jurors serving in the Superior
5 Court shall receive fees and expenses at rates equivalent
6 to the rates provided under section 1871 of title 28,
7 United States Code, for fees and allowances paid to grand
8 and petit jurors appearing in the district courts of the
9 United States.”.

10 (2) CONFORMING AMENDMENT.—Section 15–
11 718, District of Columbia Official Code, is repealed.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply with respect to fees
14 and expenses paid on or after the first day of the
15 first fiscal year which begins after the date of the
16 enactment of this Act.

17 (b) MODERNIZING PROCESS FOR SERVING OF SUM-
18 MONSES.—

19 (1) JUROR QUALIFICATION FORMS.—Section
20 11–1906(c), District of Columbia Official Code, is
21 amended—

22 (A) in paragraph (1), by striking “shall
23 provide that a juror qualification form be
24 mailed” and inserting “shall require that a
25 juror qualification form be provided”; and

1 (B) in paragraph (2), by striking “return”
2 and inserting “submit”.

3 (2) USE OF ELECTRONIC COMMUNICATION.—
4 Section 11–1907(a), District of Columbia Official
5 Code, is amended by striking the last sentence and
6 inserting the following: “Under the jury system plan,
7 service of prospective jurors may be made person-
8 ally, by mail, or, with the consent of the prospective
9 juror, by electronic communication.”.

10 (c) PERMITTING INDIVIDUALS 70 YEARS OF AGE OR
11 OLDER TO OPT OUT OF SERVICE.—Section 11–1908(b),
12 District of Columbia Official Code, is amended—

13 (1) by striking “or (4)” and inserting “(4)”;
14 and

15 (2) by striking the period at the end of the first
16 sentence and inserting the following: “; or (5) ex-
17 cluded by the Court upon the request of the indi-
18 vidual if the individual is 70 years of age or older.”.

19 **SEC. 4. AUTHORIZATION FOR PROGRAM OF VOLUNTARY**
20 **SEPARATION INCENTIVE PAYMENTS.**

21 (a) PROGRAM FOR DISTRICT OF COLUMBIA
22 COURTS.—

23 (1) IN GENERAL.—Chapter 17 of title 11, Dis-
24 trict of Columbia Official Code, is amended by in-

1 serting after section 11–1726 the following new sec-
2 tion:

3 **“§ 11–1726A. Voluntary separation incentive pay-**
4 **ments**

5 “**The Joint Committee on Judicial Administration**
6 may, by regulation, establish a program substantially simi-
7 lar to the program established under subchapter II of
8 chapter 35 of title 5, United States Code, for nonjudicial
9 employees of the District of Columbia courts, except that
10 the maximum amount of the payment made under the pro-
11 gram to any individual may not exceed the amount re-
12 ferred to in section 3523(b)(3)(B) of title 5, United States
13 Code.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents of chapter 17 of title 11, District of Columbia
16 Official Code, is amended by inserting after the item
17 relating to section 11–1726 the following new item:
“11–1726A. Voluntary separation incentive payments.”.

18 (b) PROGRAM FOR DISTRICT OF COLUMBIA PUBLIC
19 DEFENDER SERVICE.—Section 305 of the District of Co-
20 lumbia Court Reform and Criminal Procedure Act of 1970
21 (sec. 2–1605, D.C. Official Code) is amended by adding
22 at the end the following new subsection:

23 “(d) The Director may establish a program substan-
24 tially similar to the program established under subchapter
25 II of chapter 35 of title 5, United States Code, for employ-

ees of the Service, except that the maximum amount of the payment made under the program to any individual may not exceed the amount referred to in section 3523(b)(3)(B) of title 5, United States Code.”.

(c) NO EFFECT ON PREVIOUS PAYMENTS.—Nothing in this section or the amendments made by this section may be construed to affect any voluntary separation incentive payment made prior to the date of the enactment of this Act under a program established by the Joint Committee on Judicial Administration in the District of Columbia or the District of Columbia Public Defender Service.

SEC. 5. ADJUSTMENTS IN COMPENSATION RATES FOR CERTAIN PERSONNEL.

(a) ATTORNEYS REPRESENTING INDIGENT DEFENDANTS.—

(1) IN GENERAL.—Section 11–2604(a), District of Columbia Official Code, is amended by striking “at a fixed rate of \$90 per hour” and inserting “an hourly rate not to exceed the rate payable under section 3006A(d)(1) of title 18, United States Code”.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cases and proceedings initiated on or after the date of the enactment of this Act.

1 (b) CRIMINAL JUSTICE INVESTIGATORS.—

2 (1) IN GENERAL.—Section 11–2605, District of
3 Columbia Official Code, is amended by striking “(or,
4 in the case of investigative services, a fixed rate of
5 \$25 per hour)” each place it appears in subsections
6 (b) and (c).

7 (2) EFFECTIVE DATE.—The amendments made
8 by this section shall apply with respect to investiga-
9 tive services provided in connection with cases and
10 proceedings initiated on or after the date of the en-
11 actment of this Act.

12 **SEC. 6. AUTHORITY OF EXECUTIVE OFFICER OF COURTS**
13 **OVER REGISTER OF WILLS.**

14 (a) APPOINTMENT AND REMOVAL.—

15 (1) IN GENERAL.—Section 11–1725(b), District
16 of Columbia Official Code, is amended—

17 (A) by inserting “the Register of Wills,”
18 after “the clerks of the courts,”; and

19 (B) by striking “(other than the Register
20 of Wills and personal law clerks and secretaries
21 of the judges)” and inserting “(other than per-
22 sonal law clerks and judicial administrative as-
23 sistants of the judges)”.

24 (2) CONFORMING AMENDMENT.—Section 11–
25 2102(a), District of Columbia Official Code, is

1 amended by striking “The Superior Court shall ap-
2 point and remove” and inserting “Pursuant to sec-
3 tion 11–1725(b), the Executive Officer of the Dis-
4 trict of Columbia Courts shall appoint and may re-
5 move”.

6 (b) DETERMINATION OF COMPENSATION.—Section
7 11–2102(c), District of Columbia Official Code, is amend-
8 ed to read as follows:

9 “(c) The compensation of the Register of Wills shall
10 be fixed in accordance with section 11–1726(a).”.

11 (c) ASSIGNMENT OF DUTIES.—Section 11–2103,
12 District of Columbia Official Code, is amended by striking
13 “the chief judge of the Superior Court” and inserting “the
14 Executive Officer of the District of Columbia Courts”.

15 **SEC. 7. AUTHORIZATION OF RETROACTIVE PAY ADJUST-**
16 **MENTS FOR COURT EMPLOYEES.**

17 Section 11–1726, District of Columbia Official Code,
18 is amended by adding at the end the following new sub-
19 section:

20 “(d) Retroactive pay may be payable to an employee
21 of the District of Columbia courts by reason of an increase
22 in the salary or pay schedule applicable to the employee
23 pursuant to this section which occurs during fiscal year
24 2020 or any succeeding fiscal year, but only if—

1 “(1) the employee is in the service of the Dis-
2 trict of Columbia courts on the date of final action
3 by the Executive Officer regarding the increase; or

4 “(2) the employee retired or died during the pe-
5 riod beginning on the effective date of the increase
6 and ending on the date of final action by the Execu-
7 tive Officer regarding the increase, except that retro-
8 active pay for such an employee shall be provided
9 only with respect to services performed during that
10 period.”.

11 **SEC. 8. REVISING CERTAIN REFERENCES.**

12 (a) REFERENCES TO DOMESTIC VIOLENCE DIVI-
13 SION.—

14 (1) IN GENERAL.—The District of Columbia
15 Official Code is amended by striking “Domestic Vio-
16 lence Unit” each place it appears in the following
17 sections and inserting “Domestic Violence Division”:

18 (A) Section 11–902(d).

19 (B) Section 11–1101(b)(2).

20 (C) Section 11–1732.

21 (D) Section 16–1001(5).

22 (E) Section 16–1003(a).

23 (F) Section 16–1004(a).

1 (2) SPECIAL RULES FOR MAGISTRATE
2 JUDGES.—Section 11–1732A, District of Columbia
3 Official Code, is amended—

4 (A) in the heading, by striking “**Domes-**
5 **tic Violence Unit**” and inserting “**Domes-**
6 **tic Violence Division**”; and

7 (B) by striking “Domestic Violence Unit”
8 each place it appears and inserting “Domestic
9 Violence Division”.

10 (3) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of subchapter II of chapter 17
12 of title 11, District of Columbia Official Code, is
13 amended by amending the item relating to section
14 11–1732A to read as follows:

“11–1732A. Special rules for magistrate judges of the Family Court of the Su-
perior Court and the Domestic Violence Division.”.

15 (b) REFERENCES TO INDIVIDUALS WITH INTELLEC-
16 TUAL DISABILITIES.—(1) Section 11–501(2)(D), District
17 of Columbia Official Code, is amended by striking “sub-
18 stantially retarded persons” and inserting “persons with
19 moderate intellectual disabilities”.

20 (2) Section 11–921(a)(4)(D), District of Columbia
21 Official Code, is amended by striking “substantially re-
22 tarded persons” and inserting “persons with moderate in-
23 tellectual disabilities”.

1 (3) Section 11–1101(a)(15), District of Columbia Of-
2 ficial Code, is amended by striking “the at least mod-
3 erately mentally retarded” and inserting “persons with
4 moderate intellectual disabilities”.

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