

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

# S. 1379

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IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2012

Referred to the Committee on Oversight and Government Reform

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## AN ACT

To amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

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 “D.C. Courts and Public  
 5 Defender Service Act of 2011”.

6 **SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.**

7 (a) PERMITTING JUDICIAL CONFERENCE ON BIEN-  
 8 NIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—  
 9 Section 11–744, District of Columbia Official Code, is  
 10 amended—

11 (1) in the first sentence, by striking “annually”  
 12 and inserting “biennially or annually”;

13 (2) in the first sentence, by striking “active  
 14 judges” and inserting “active judges and magistrate  
 15 judges”;

16 (3) in the third sentence, by striking “Every  
 17 judge” and inserting “Every judge and magistrate  
 18 judge”; and

19 (4) in the third sentence, by striking “Courts of  
 20 Appeals” and inserting “Court of Appeals”.

21 (b) EMERGENCY AUTHORITY TO TOLL OR DELAY  
 22 JUDICIAL PROCEEDINGS.—

23 (1) PROCEEDINGS IN SUPERIOR COURT.—

24 (A) IN GENERAL.—Subchapter III of  
 25 Chapter 9 of title 11, District of Columbia Offi-

1           cial Code, is amended by adding at the end the  
2           following new section:

3   **“§ 11-947. Emergency authority to toll or delay pro-**  
4           **ceedings.**

5           “(a) TOLLING OR DELAYING PROCEEDINGS.—

6           “(1) IN GENERAL.—In the event of a natural  
7           disaster or other emergency situation requiring the  
8           closure of Superior Court or rendering it impracti-  
9           cable for the United States or District of Columbia  
10          Government or a class of litigants to comply with  
11          deadlines imposed by any Federal or District of Co-  
12          lumbia law or rule that applies in the Superior  
13          Court, the chief judge of the Superior Court may ex-  
14          ercise emergency authority in accordance with this  
15          section.

16          “(2) SCOPE OF AUTHORITY.—(A) The chief  
17          judge may enter such order or orders as may be ap-  
18          propriate to delay, toll, or otherwise grant relief  
19          from the time deadlines imposed by otherwise appli-  
20          cable laws or rules for such period as may be appro-  
21          priate for any class of cases pending or thereafter  
22          filed in the Superior Court.

23          “(B) The authority conferred by this section ex-  
24          tends to all laws and rules affecting criminal and ju-  
25          venile proceedings (including, pre-arrest, post-arrest,

1 pretrial, trial, and post-trial procedures) and civil,  
2 family, domestic violence, probate and tax pro-  
3 ceedings.

4 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If  
5 the chief judge of the Superior Court is absent or  
6 disabled, the authority conferred by this section may  
7 be exercised by the judge designated under section  
8 11–907(a) or by the Joint Committee on Judicial  
9 Administration.

10 “(4) HABEAS CORPUS UNAFFECTED.—Nothing  
11 in this section shall be construed to authorize sus-  
12 pension of the writ of habeas corpus.

13 “(b) CRIMINAL CASES.—In exercising the authority  
14 under this section for criminal cases, the chief judge shall  
15 consider the ability of the United States or District of Co-  
16 lumbia Government to investigate, litigate, and process de-  
17 fendants during and after the emergency situation, as well  
18 as the ability of criminal defendants as a class to prepare  
19 their defenses.

20 “(c) ISSUANCE OF ORDERS.—The United States At-  
21 torney for the District of Columbia or the Attorney Gen-  
22 eral for the District of Columbia or the designee of either  
23 may request issuance of an order under this section, or  
24 the chief judge may act on his or her own motion.

1       “(d) DURATION OF ORDERS.—An order entered  
2 under this section may not toll or extend a time deadline  
3 for a period of more than 14 days, except that if the chief  
4 judge determines that an emergency situation requires ad-  
5 ditional extensions of the period during which deadlines  
6 are tolled or extended, the chief judge may, with the con-  
7 sent of the Joint Committee on Judicial Administration,  
8 enter additional orders under this section in order to fur-  
9 ther toll or extend such time deadline.

10       “(e) NOTICE.—Upon issuing an order under this sec-  
11 tion, the chief judge—

12               “(1) shall make all reasonable efforts to pub-  
13 licize the order, including, when possible, announcing  
14 the order on the District of Columbia Courts Web  
15 site; and

16               “(2) shall send notice of the order, including  
17 the reasons for the issuance of the order, to the  
18 Committee on Homeland Security and Governmental  
19 Affairs of the Senate and the Committee on Over-  
20 sight and Government Reform of the House of Rep-  
21 resentatives.

22       “(f) REQUIRED REPORTS.—Not later than 180 days  
23 after the expiration of the last extension or tolling of a  
24 time period made by the order or orders relating to an  
25 emergency situation, the chief judge shall submit a brief

1 report to the Committee on Homeland Security and Gov-  
 2 ernmental Affairs of the Senate, the Committee on Over-  
 3 sight and Government Reform of the House of Represent-  
 4 atives, and the Joint Committee on Judicial Administra-  
 5 tion describing the orders, including—

- 6           “(1) the reasons for issuing the orders;  
 7           “(2) the duration of the orders;  
 8           “(3) the effects of the orders on litigants; and  
 9           “(4) the costs to the court resulting from the  
 10 orders.

11           “(g) EXCEPTIONS.—The notice under subsection  
 12 (e)(2) and the report under subsection (f) are not required  
 13 in the case of an order that tolls or extends a time deadline  
 14 for a period of less than 14 days.”.

15           (B) CLERICAL AMENDMENT.—The table of  
 16 contents of chapter 9 of title 11, District of Co-  
 17 lumbia Official Code, is amended by adding at  
 18 the end of the items relating to subchapter III  
 19 the following:

“11-947. Emergency authority to toll or delay proceedings.”.

20           (2) PROCEEDINGS IN COURT OF APPEALS.—

21           (A) IN GENERAL.—Subchapter III of chap-  
 22 ter 7 of title 11, District of Columbia Official  
 23 Code, is amended by adding at the end the fol-  
 24 lowing new section:

1 **“§ 11-745. Emergency authority to toll or delay pro-**  
2 **ceedings.**

3 “(a) TOLLING OR DELAYING PROCEEDINGS.—

4 “(1) IN GENERAL.—In the event of a natural  
5 disaster or other emergency situation requiring the  
6 closure of the Court of Appeals or rendering it im-  
7 practicable for the United States or District of Co-  
8 lumbia Government or a class of litigants to comply  
9 with deadlines imposed by any Federal or District of  
10 Columbia law or rule that applies in the Court of  
11 Appeals, the chief judge of the Court of Appeals  
12 may exercise emergency authority in accordance with  
13 this section.

14 “(2) SCOPE OF AUTHORITY.—The chief judge  
15 may enter such order or orders as may be appro-  
16 priate to delay, toll, or otherwise grant relief from  
17 the time deadlines imposed by otherwise applicable  
18 laws or rules for such period as may be appropriate  
19 for any class of cases pending or thereafter filed in  
20 the Court of Appeals.

21 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If  
22 the chief judge of the Court of Appeals is absent or  
23 disabled, the authority conferred by this section may  
24 be exercised by the judge designated under section  
25 11-706(a) or by the Joint Committee on Judicial  
26 Administration.

1           “(4) HABEAS CORPUS UNAFFECTED.—Nothing  
2           in this section shall be construed to authorize sus-  
3           pension of the writ of habeas corpus.

4           “(b) ISSUANCE OF ORDERS.—The United States At-  
5           torney for the District of Columbia or the Attorney Gen-  
6           eral for the District of Columbia or the designee of either  
7           may request issuance of an order under this section, or  
8           the chief judge may act on his or her own motion.

9           “(c) DURATION OF ORDERS.—An order entered  
10          under this section may not toll or extend a time deadline  
11          for a period of more than 14 days, except that if the chief  
12          judge determines that an emergency situation requires ad-  
13          ditional extensions of the period during which deadlines  
14          are tolled or extended, the chief judge may, with the con-  
15          sent of the Joint Committee on Judicial Administration,  
16          enter additional orders under this section in order to fur-  
17          ther toll or extend such time deadline.

18          “(d) NOTICE.—Upon issuing an order under this sec-  
19          tion, the chief judge—

20                 “(1) shall make all reasonable efforts to pub-  
21                 licize the order, including, when possible, announcing  
22                 the order on the District of Columbia Courts Web  
23                 site; and

24                 “(2) shall send notice of the order, including  
25                 the reasons for the issuance of the order, to the

1 Committee on Homeland Security and Governmental  
2 Affairs of the Senate and the Committee on Over-  
3 sight and Government Reform of the House of Rep-  
4 resentatives.

5 “(e) REQUIRED REPORTS.—Not later than 180 days  
6 after the expiration of the last extension or tolling of a  
7 time period made by the order or orders relating to an  
8 emergency situation, the chief judge shall submit a brief  
9 report to the Committee on Homeland Security and Gov-  
10 ernmental Affairs of the Senate, the Committee on Over-  
11 sight and Government Reform of the House of Represent-  
12 atives, and the Joint Committee on Judicial Administra-  
13 tion describing the orders, including—

14 “(1) the reasons for issuing the orders;  
15 “(2) the duration of the orders;  
16 “(3) the effects of the orders on litigants; and  
17 “(4) the costs to the court resulting from the  
18 orders.

19 “(f) EXCEPTIONS.—The notice under subsection  
20 (d)(2) and the report under subsection (e) are not required  
21 in the case of an order that tolls or extends a time deadline  
22 for a period of less than 14 days.”.

23 (B) CLERICAL AMENDMENT.—The table of  
24 contents of chapter 7 of title 11, District of Co-  
25 lumbia Official Code, is amended by adding at

1           the end of the items relating to subchapter III  
2           the following:

“11-745. Emergency authority to toll or delay proceedings.”.

3           (c) PERMITTING AGREEMENTS TO PROVIDE SERV-  
4 ICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT  
5 GOVERNMENT OFFICES.—

6           (1) IN GENERAL.—Section 11-1742, District of  
7 Columbia Official Code, is amended by adding at the  
8 end the following new subsection:

9           “(d) To prevent duplication and to promote efficiency  
10 and economy, the Executive Officer may enter into agree-  
11 ments to provide the Mayor of the District of Columbia  
12 with equipment, supplies, and services and credit reim-  
13 bursements received from the Mayor for such equipment,  
14 supplies, and services to the appropriation of the District  
15 of Columbia Courts against which they were charged.”.

16           (2) EFFECTIVE DATE.—The amendment made  
17 by paragraph (1) shall apply with respect to fiscal  
18 year 2010 and each succeeding fiscal year.

19 **SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER**  
20 **SERVICE.**

21 Section 307 of the District of Columbia Court Re-  
22 form and Criminal Procedure Act of 1970 (sec. 2-1607,  
23 D.C. Official Code) is amended by adding at the end the  
24 following new subsection:



