

117TH CONGRESS
1ST SESSION

H. R. 281

To assign the responsibility for conducting prosecutions for violations of the laws of the District of Columbia to the head of a local prosecutor's office designated under local law of the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2021

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

A BILL

To assign the responsibility for conducting prosecutions for violations of the laws of the District of Columbia to the head of a local prosecutor's office designated under local law of the District of Columbia.

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 Prosecutor Home Rule Act of 2021”.

1 **SEC. 2. RESPONSIBILITY OF LOCAL PROSECUTOR'S OFFICE**
2 **FOR CONDUCT OF ALL DISTRICT OF COLUM-**
3 **BIA PROSECUTIONS.**

4 (a) IN GENERAL.—Section 23–101, D.C. Official
5 Code, is amended by striking subsections (a) through (f)
6 and inserting the following:

7 “(a) Prosecutions for violations of all police or munic-
8 ipal ordinances or regulations of the District of Columbia
9 and for violations of all penal statutes of the District of
10 Columbia in the nature of police or municipal regulations
11 shall be conducted in the name of the District of Columbia
12 by the head of the local prosecutor’s office or the assist-
13 ants of the head of such office, except as may otherwise
14 be provided in any such ordinance, regulation, or statute.

15 “(b) An indictment or information brought in the
16 name of the United States in the United States District
17 Court for the District of Columbia may include charges
18 of offenses prosecutable by the District of Columbia if the
19 head of the local prosecutor’s office consents to the inclu-
20 sion of such charges in writing.

21 “(c) An indictment or information brought in the
22 name of the District of Columbia in the Superior Court
23 of the District of Columbia may be joined for trial in the
24 United States District Court for the District of Columbia
25 with an indictment or information brought in that court
26 if the offenses charged therein could have been joined in

1 the same indictment or information and if the head of the
 2 local prosecutor's office consents to such joinder.

3 “(d) In this section, the ‘local prosecutor’s office’ is
 4 the office designated under local law of the District of Co-
 5 lumbia as the office responsible for conducting prosecu-
 6 tions under this section.

7 “(e) Nothing in this section shall affect the authority
 8 of the Attorney General of the United States or the United
 9 States Attorney for the District of Columbia to exercise
 10 jurisdiction concerning violations of the laws of the United
 11 States.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) APPEALS.—Section 23–104, D.C. Official
 14 Code, is amended by striking “Corporation Counsel”
 15 each place it appears in subsections (a)(1), (b), and
 16 (d), and inserting “head of the local prosecutor’s of-
 17 fice (as defined in section 23–101(d))”.

18 (2) PROCEEDINGS TO ESTABLISH PREVIOUS
 19 CONVICTIONS.—Section 23–111(a)(1), D.C. Official
 20 Code, is amended by striking “Corporation Counsel”
 21 and inserting “head of the local prosecutor’s office
 22 (as defined in section 23–101(d))”.

23 (3) DEFINITION OF PROSECUTOR.—Section 23–
 24 501(3), D.C. Official Code, is amended by striking
 25 “Corporation Counsel of the District of Columbia”

1 and inserting “head of the local prosecutor’s office
2 (as defined in section 23–101(d))”.

3 (4) DISPOSITION OF PROPERTY SEIZED UNDER
4 SEARCH WARRANT.—Section 23–525, D.C. Official
5 Code, is amended by striking “Corporation Counsel
6 for the District of Columbia” and inserting “head of
7 the local prosecutor’s office (as defined in section
8 23–101(d))”.

9 (5) DEPOSIT OF SEIZED CURRENCY.—Section
10 23–532(b)(1), D.C. Official Code, is amended by
11 striking “Corporation Counsel for the District of Co-
12 lumbia” and inserting “head of the local prosecu-
13 tor’s office (as defined in section 23–101(d))”.

14 (6) CONSULTATION IN PROMULGATION OF REG-
15 ULATIONS REGARDING WARRANT AND ARREST PRO-
16 CEDURES.—Section 23–533, D.C. Official Code, is
17 amended by striking “Corporation Counsel” and in-
18 serting “head of the local prosecutor’s office (as de-
19 fined in section 23–101(d))”.

20 (7) RECOMMENDATIONS BY PRETRIAL SERV-
21 ICES AGENCY REGARDING RELEASE OR DETENTION;
22 NOTICE REGARDING FAILURE TO COMPLY WITH CON-
23 DITIONS OF RELEASE.—Section 23–1303, D.C. Offi-
24 cial Code, is amended—

1 (A) in the sixth sentence of subsection (a),
2 by striking “Corporation Counsel of the District
3 of Columbia” and inserting “head of the local
4 prosecutor’s office (as defined in section 23–
5 101(d))”; and

6 (B) in subsection (h)(5), by striking “Cor-
7 poration Counsel of the District of Columbia”
8 and inserting “head of the local prosecutor’s of-
9 fice (as defined in section 23–101(d))”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to violations of Dis-
12 trict of Columbia ordinances, regulations, and statutes
13 which occur after the expiration of the 6-month period
14 which begins on the date on which a local law of the Dis-
15 trict of Columbia which designates the local prosecutor’s
16 office for purposes of section 23–101(d), D.C. Official
17 Code (as amended by subsection (a)) takes effect.

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