

117TH CONGRESS
2D SESSION

H. R. 6747

To amend title 11, District of Columbia Official Code, to modernize the rules and procedures for the service of jurors in District of Columbia courts, to adjust compensation rates for criminal justice investigators and attorneys representing indigent defenders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2022

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

A BILL

To amend title 11, District of Columbia Official Code, to modernize the rules and procedures for the service of jurors in District of Columbia courts, to adjust compensation rates for criminal justice investigators and attorneys representing indigent defenders, and for other purposes.

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 Courts Improvement Act of 2022”.

1 **SEC. 2. MODERNIZATION OF RULES AND PROCEDURES RE-**
2 **LATING TO SERVICE OF JURORS.**

3 (a) ESTABLISHING FEES FOR JURORS SERVING IN
4 SUPERIOR COURT OF THE DISTRICT OF COLUMBIA AT
5 SAME RATES PAID FOR JURORS SERVING IN UNITED
6 STATES DISTRICT COURTS.—

7 (1) ESTABLISHMENT OF FEES.—Section 11–
8 1912(a), District of Columbia Official Code, is
9 amended to read as follows:

10 “(a) Grand and petit jurors serving in the Superior
11 Court shall receive fees and allowances at the same rates
12 provided under section 1871 of title 28, United States
13 Code, for fees and allowances paid to grand and petit ju-
14 rors appearing in the district courts of the United
15 States.”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by paragraph (1) shall apply with respect to fees
18 and allowances paid on or after the first day of the
19 first fiscal year which begins after the date of the
20 enactment of this Act.

21 (b) MODERNIZING PROCESS FOR SERVING OF QUALI-
22 FICATION FORMS AND SUMMONSES.—

23 (1) JUROR QUALIFICATION FORMS.—Section
24 11–1906(c), District of Columbia Official Code, is
25 amended—

1 (A) in paragraph (1), by striking “shall
2 provide that a juror qualification form be
3 mailed” and inserting “shall require that a
4 juror qualification form be provided”;

5 (B) in paragraph (2), by striking “return”
6 and inserting “submit”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(3) The jury system plan shall provide that a juror
10 qualification form be provided by mail to each prospective
11 juror, except that the plan may permit the form to be pro-
12 vided by electronic communication to a prospective juror
13 with the affirmative consent of the prospective juror.”.

14 (2) SUMMONSES.—Section 11–1907(a), District
15 of Columbia Official Code, is amended by striking
16 the last sentence and inserting the following: “Under
17 the jury system plan, service of prospective jurors
18 may be made personally, by mail, or, with the af-
19 firmative consent of the prospective juror, by elec-
20 tronic communication.”

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

24 (1) by striking “or (4)” and inserting “(4)”;
25 and

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

5 **SEC. 3. ADJUSTMENTS IN COMPENSATION RATES FOR CER-**
 6 **TAIN PERSONNEL.**

7 (a) ATTORNEYS REPRESENTING INDIGENT DEFEND-
 8 ANTS.—

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

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

18 (b) CRIMINAL JUSTICE INVESTIGATORS.—

19 (1) IN GENERAL.—Section 11–2605, District of
 20 Columbia Official Code, is amended by striking “a
 21 fixed rate of \$25 per hour” each place it appears in
 22 subsections (b) and (c) and inserting “a rate not to
 23 exceed the rate payable for such services in the
 24 United States District Court for the District of Co-
 25 lumbia”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply with respect to inves-
3 tigative services provided in connection with cases
4 and proceedings initiated on or after the date of the
5 enactment of this Act.

6 **SEC. 4. AUTHORITY OF EXECUTIVE OFFICER OF COURTS**
7 **OVER REGISTER OF WILLS.**

8 (a) APPOINTMENT AND REMOVAL.—

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

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

13 (B) by striking “(other than the Register
14 of Wills and personal law clerks and secretaries
15 of the judges)” and inserting “(other than per-
16 sonal law clerks and judicial administrative as-
17 sistants of the judges)”.

18 (2) CONFORMING AMENDMENT.—Section 11–
19 2102(a), District of Columbia Official Code, is
20 amended by striking “The Superior Court shall ap-
21 point and remove” and inserting “Pursuant to sec-
22 tion 11–1725(b), the Executive Officer of the Dis-
23 trict of Columbia Courts shall appoint and may re-
24 move”.

1 (b) DETERMINATION OF COMPENSATION.—Section
 2 11–2102(c), District of Columbia Official Code, is amend-
 3 ed to read as follows:

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

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

10 **SEC. 5. AUTHORIZATION OF RETROACTIVE PAY ADJUST-**
 11 **MENTS FOR COURT EMPLOYEES.**

12 Section 11–1726, District of Columbia Official Code,
 13 is amended by adding at the end the following new sub-
 14 section:

15 “(d) Retroactive pay may be payable to an employee
 16 of the District of Columbia courts by reason of an increase
 17 in the salary or pay schedule applicable to the employee
 18 pursuant to this section which occurs during fiscal year
 19 2022 or any succeeding fiscal year, but only if—

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

23 “(2) the employee retired or died during the pe-
 24 riod beginning on the effective date of the increase
 25 and ending on the date of final action by the Execu-

1 tive Officer regarding the increase, except that retro-
 2 active pay for such an employee shall be provided
 3 only with respect to services performed during that
 4 period.”.

5 **SEC. 6. AUTHORIZATION OF COURTS TO CARRY OUT CER-**
 6 **TAIN ADMINISTRATIVE FUNCTIONS.**

7 (a) RETENTION OF FEES RECEIVED FOR ADMIN-
 8 ISTERING BAR EXAMINATIONS AND PROCESSING BAR AD-
 9 MISSIONS.—Section 11–2501(a), District of Columbia Of-
 10 ficial Code, is amended—

11 (1) by striking “(a) The District” and inserting
 12 “(a)(1) The District”; and

13 (2) by adding at the end the following new
 14 paragraph:

15 “(2) Notwithstanding the third sentence of section
 16 450 of the District of Columbia Home Rule Act (sec. 1–
 17 204.50, D.C. Official Code), the District of Columbia
 18 Court of Appeals may retain any amounts received as fees
 19 for administering bar examinations and processing Dis-
 20 trict of Columbia Bar admissions and use such amounts
 21 for the salaries and expenses incurred in administering bar
 22 examinations and processing bar admissions. Any amounts
 23 retained under this paragraph shall remain available until
 24 expended.”.

25 (b) SPECIFIC AUTHORITY TO ACCEPT GIFTS.—

1 (1) AUTHORITY DESCRIBED.—Section 11–1742,
2 District of Columbia Official Code, is amended by
3 adding at the end the following new subsection:

4 “(e)(1) The Executive Officer may solicit, accept, and
5 use money, funds, property, and voluntary and uncompen-
6 sated services of any kind made available by gift, donation,
7 devise, bequest, grant, or otherwise to carry out the au-
8 thorized functions or duties of the District of Columbia
9 Courts.

10 “(2) The District of Columbia Courts shall keep accu-
11 rate and detailed records of the acceptance and use of any
12 gift, donation, devise, bequest, grant, or other money,
13 funds, property, or services accepted under paragraph (1),
14 and shall make such records available for audit.”.

15 (2) CONFORMING AMENDMENT RELATING TO
16 EXISTING AUTHORITY.—Section 115 of the District
17 of Columbia Appropriations Act, 2003 (Public Law
18 108–7; 117 Stat. 124) is amended—

19 (A) in paragraph (2), by striking “and the
20 District of Columbia courts”; and

21 (B) in subsection (c), by striking the pe-
22 riod at the end and inserting the following: “,
23 but does not include the District of Columbia
24 courts”.

1 (c) CLARIFICATION OF AUTHORITY TO PROCURE
2 MOTOR VEHICLES.—Section 11–1742(b), District of Co-
3 lumbia Official Code, is amended by striking “necessary
4 equipment,” and inserting “necessary equipment (includ-
5 ing motor vehicles),”.

6 (d) ADDITIONAL AUTHORITY TO ALLOT OR PERMIT
7 USE OF AVAILABLE SPACE IN COURT BUILDINGS.—Sec-
8 tion 11–1742, District of Columbia Official Code, as
9 amended by subsection (b), is further amended by adding
10 at the end the following new subsection:

11 “(f)(1) In addition to any authority provided under
12 any other law, regulation, or guidance, the District of Co-
13 lumbia Courts may enter into an agreement to allot or
14 permit the use by District of Columbia or Federal agen-
15 cies, legal services providers, or any other individual or
16 entity of space in a building owned by or assigned or
17 leased to the District of Columbia Courts if—

18 “(A) the District of Columbia or Federal agen-
19 cy, legal services provider, or other individual or en-
20 tity applies to the Executive Officer for the use of
21 such space;

22 “(B) the space is available;

23 “(C) the Executive Officer determines that the
24 allotment or use of the space is in the interest of the
25 District of Columbia Courts; and

1 “(D) the agreement for the allotment or use of
2 the space provides that the allotment or use of the
3 space may be revoked at any time.

4 “(2) Under an agreement for the allotment or use
5 of space which is entered into under the authority of this
6 subsection, the space may be provided without charge for
7 rent or services. For purposes of this paragraph, the term
8 ‘services’ includes the providing of lighting, heating, cool-
9 ing, electricity, office furniture, office machines and equip-
10 ment, classroom furnishings and equipment, kitchen appli-
11 ances, telephone service (including installation of lines and
12 equipment and other expenses associated with telephone
13 services), and security systems (including installation and
14 other expenses associated with security systems), includ-
15 ing replacement equipment, as needed.

16 “(3) Nothing in title 31, United States Code, or any
17 other law may be construed to prohibit or restrict a party
18 to an agreement entered into under the authority of this
19 subsection from paying the costs associated with the allot-
20 ment or use of space under the agreement by reimburse-
21 ment to the Treasury of the United States or the Crime
22 Victims Fund.”.

23 **SEC. 7. UPDATES TO TREATMENT OF SMALL CLAIMS.**

24 (a) **AUTHORITY OF COURTS TO DETERMINE HOURS**
25 **FOR TRANSACTION OF BUSINESS.—**

1 (1) REPEAL OF MANDATORY SESSIONS
2 HOURS.—Title 11, District of Columbia Official
3 Code, is amended by striking section 11–1302.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of subchapter I of chapter 13
6 of title 11, District of Columbia Official Code, is
7 amended by striking the item relating to section 11–
8 1302.

9 (b) INCREASE IN LIMIT ON AMOUNT OF CLAIM
10 UNDER JURISDICTION OF BRANCH.—

11 (1) INCREASE.—Section 11–1321, District of
12 Columbia Official Code, is amended—

13 (A) in the first sentence, by striking “The
14 Small Claims” and inserting “(a) The Small
15 Claims”;

16 (B) in the first sentence, by striking
17 “\$10,000” and inserting “\$10,000 (or, in the
18 case of an action brought during any 5-year pe-
19 riod described in subsection (b), the applicable
20 limit under such subsection)”;

21 (C) in the second sentence, by striking
22 “Branch” and inserting “Small Claims
23 Branch”;

1 (D) in the third sentence, by striking
2 “Branch” and inserting “Small Claims
3 Branch”;

4 (E) in the third sentence, by striking
5 “Civil Division” and inserting “Civil Actions
6 Branch”; and

7 (F) by adding at the end the following new
8 subsections:

9 “(b) The applicable limit under this subsection is the
10 following:

11 “(1) In the case of an action brought during
12 the 5-year period which begins on the first day of
13 the first calendar year beginning after the date of
14 the enactment of the District of Columbia Courts
15 Improvement Act of 2022, \$12,000.

16 “(2) In the case of an action brought during
17 any succeeding 5-year period, the applicable limit
18 under this subsection for the preceding 5-year pe-
19 riod, increased by the percentage increase, if any, in
20 the Consumer Price Index for All Urban Consumers,
21 published by the Bureau of Labor Statistics of the
22 Department of Labor, over such preceding 5-year
23 period, except that if such increased limit is not a
24 multiple of \$100, such limit shall be rounded to the
25 nearest multiple of \$100.”.

1 (2) EFFECTIVE DATE.—The amendment made
 2 by paragraph (1) shall apply with respect to claims
 3 brought on or after the date of the enactment of this
 4 Act.

5 (c) PERMITTING USE OF MEDIATION TO SETTLE
 6 CASES.—

7 (1) IN GENERAL.—Section 11–1322, District of
 8 Columbia Official Code, is amended to read as fol-
 9 lows:

10 **“§ 11–1322. Arbitration, mediation, and conciliation**

11 “In order to affect the speedy settlement of con-
 12 troversies, and with the consent of the parties, the Small
 13 Claims Branch may settle cases, irrespective of the
 14 amount involved, by the methods of arbitration, mediation,
 15 or conciliation. A judge sitting in the Small Claims Branch
 16 may act as a referee, arbitrator, or mediator, either alone
 17 or in conjunction with other persons, as provided by rules
 18 of the court. A judge, officer, or employee of the Superior
 19 Court may not accept any fee or compensation in addition
 20 to that person’s salary for services performed pursuant to
 21 this section.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
 23 tions at the beginning of subchapter II of chapter 13
 24 of title 11, District of Columbia Official Code, is

1 amended by amending the item relating to section
2 11–1322 to read as follows:

“11–1322. Arbitration, mediation, and conciliation.”.

3 (d) REVISION TO REFERENCES TO SMALL CLAIMS
4 AND CONCILIATION BRANCH.—

5 (1) IN GENERAL.—Chapter 13 of title 11, Dis-
6 trict of Columbia Official Code, as amended by this
7 section, is amended by striking “and Conciliation”
8 each place it appears in the following sections;

9 (A) Section 11–1301.

10 (B) Section 11–1321.

11 (C) Section 11–1322.

12 (D) Section 11–1323.

13 (2) CLERICAL AMENDMENT.—The table of
14 chapters of title 11, District of Columbia Official
15 Code, is amended by amending the item relating to
16 chapter 13 to read as follows:

“CHAPTER 13. SMALL CLAIMS BRANCH OF THE SUPERIOR COURT.”.

17 **SEC. 8. REVISIONS TO CERTAIN REFERENCES.**

18 (a) REFERENCES TO DOMESTIC VIOLENCE DIVI-
19 SION.—

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

24 (A) Section 11–902(d).

1 (B) Section 11–1101(b)(2).

2 (C) Section 11–1732.

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

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

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

12 (3) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of subchapter II of chapter 17
14 of title 11, District of Columbia Official Code, is
15 amended by amending the item relating to section
16 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.”.

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

22 (2) Section 11–921(a)(4)(D), District of Columbia
23 Official Code, is amended by striking “substantially re-

1 tarded persons” and inserting “persons with moderate in-
2 tellectual disabilities”.

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

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