

112TH CONGRESS
1ST SESSION

H. R. 641

To amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

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

A BILL

To amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, 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 District Attorney Establishment Act of 2011”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF THE DISTRICT AT-**
2 **TORNEY FOR THE DISTRICT OF COLUMBIA.**

3 (a) IN GENERAL.—Part F of title IV of the District
4 of Columbia Home Rule Act (sec. 1–204.91 et seq., D.C.
5 Official Code) is amended by adding at the end the fol-
6 lowing new section:

7 “OFFICE OF THE DISTRICT ATTORNEY FOR THE DISTRICT
8 OF COLUMBIA

9 “SEC. 497. (a) ESTABLISHMENT.—There is hereby
10 established the Office of the District Attorney for the Dis-
11 trict of Columbia (hereafter in this section referred to as
12 the ‘Office’), to be headed by the District Attorney for
13 the District of Columbia (hereafter in this section referred
14 to as the ‘District Attorney’).

15 “(b) GENERAL POWERS AND DUTIES.—The District
16 Attorney shall be the chief legal officer for the District
17 of Columbia, and in the performance of such duties
18 shall—

19 “(1) prosecute the local criminal laws of the
20 District of Columbia, including violations committed
21 by both adult and juvenile offenders, and perform
22 any related functions as provided by local law in the
23 District of Columbia; and

24 “(2) have the authority to perform civil enforce-
25 ment and other legal functions as provided by local
26 law in the District of Columbia.

1 “(c) GENERAL QUALIFICATIONS.—

2 “(1) IN GENERAL.—No individual may serve as
3 District Attorney unless the individual—

4 “(A) is a qualified elector;

5 “(B) is domiciled in the District;

6 “(C) has resided and been domiciled in the
7 District for at least one year immediately pre-
8 ceeding the day on which the general or special
9 election for such office is to be held;

10 “(D) holds no other public office for which
11 he or she is compensated in an amount in ex-
12 cess of his or her actual expenses in connection
13 therewith, except that nothing in this clause
14 shall prohibit any such individual, while District
15 Attorney, from serving as a delegate or alter-
16 nate delegate to a convention of a political
17 party nominating candidates for President and
18 Vice President of the United States, or from
19 holding an appointment in a Reserve component
20 of an armed force of the United States, other
21 than a person serving on active duty under a
22 call for more than thirty days; and

23 “(E) is admitted to the practice of law in
24 the District, is registered with the District of
25 Columbia Bar as an active practitioner, and has

1 not been and is currently not disbarred or sus-
2 pended from practice in any jurisdiction..

3 “(2) RESTRICTIONS ON PRIVATE PRACTICE.—

4 The District Attorney shall devote full time to the
5 duties of the office and shall not directly or indi-
6 rectly engage in the private practice of law.

7 “(3) FORFEITURE OF OFFICE.—The District
8 Attorney shall forfeit the office upon failure to main-
9 tain the qualifications required by this subsection

10 “(d) ELECTIONS; FILLING VACANCIES; INITIAL AP-
11 POINTMENT.—

12 “(1) ELECTIONS.—The District Attorney shall
13 be elected on a partisan basis by the registered
14 qualified electors of the District. The term of office
15 of the District Attorney shall be four years, except
16 as provided in paragraph (3), and shall begin at
17 noon on January 2 of the year following the election.
18 The District Attorney’s term of office shall coincide
19 with the term of the Mayor. The first election for
20 the District Attorney shall take place in 2012.

21 “(2) VACANCIES.—To fill a vacancy for the po-
22 sition of District Attorney, the Board of Elections
23 and Ethics shall hold a special election in the Dis-
24 trict on the first Tuesday occurring more than one
25 hundred and fourteen days after the date on which

1 such vacancy occurs, unless the Board of Elections
2 and Ethics determines that such vacancy could be
3 more practically filled in a special election held on
4 the same day as the next general election to be held
5 in the District occurring within sixty days of the
6 date on which a special election would otherwise
7 have been held under the provisions of this sub-
8 section. The person shall take office on the day in
9 which the Board of Elections and Ethics certifies his
10 or her election and shall serve as District Attorney
11 only for the remainder of the term during which
12 such vacancy occurred.

13 “(3) INITIAL APPOINTMENT.—Not later than
14 30 days after the date of the enactment of the Dis-
15 trict of Columbia District Attorney Establishment
16 Act of 2011, the Mayor, by resolution, shall appoint
17 a District Attorney who shall serve until succeeded
18 by an elected District Attorney. The proposed reso-
19 lution shall be submitted to the Council for a 30-day
20 period of review, excluding days of Council recess. If
21 the Council does not approve or disapprove the pro-
22 posed resolution within the 30-day review period, the
23 resolution shall be deemed approved.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 of part F of title IV of the District of Columbia Home

1 Rule Act is amended by adding at the end the following
2 new item:

“Sec. 497. Office of the District Attorney for the District of Columbia.”.

3 **SEC. 3. RESPONSIBILITY OF DISTRICT ATTORNEY FOR THE**
4 **DISTRICT OF COLUMBIA FOR CONDUCT OF**
5 **ALL PROSECUTIONS.**

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

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

17 “(b) An indictment or information brought in the
18 name of the United States in the United States District
19 Court for the District of Columbia may include charges
20 of offenses prosecutable by the District of Columbia if the
21 District Attorney for the District of Columbia consents to
22 the inclusion of such charges in writing.

23 “(c) An indictment or information brought in the
24 name of the District of Columbia in the Superior Court
25 of the District of Columbia may be joined for trial in the

1 United States District Court for the District of Columbia
2 with an indictment or information brought in that court
3 if the offenses charged therein could have been joined in
4 the same indictment or information and if the District At-
5 torney for the District of Columbia consents to such join-
6 der.

7 “(d) 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 “District Attorney for the District
17 of Columbia”.

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 “District Attorney for the District of
22 Columbia”.

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

1 and inserting “District Attorney for the District of
2 Columbia”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to violations of Dis-
5 trict of Columbia ordinances, regulations, and statutes
6 which occur after the expiration of the 6-month period
7 which begins on the date of the enactment of this Act.

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