Public Law 101-97
101st Congress

An Act

To amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in the course of a child custody case in the courts of the District of Columbia, and for other purposes.

Sept. 23, 1989
[H.R. 2136]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Civil Contempt Imprisonment Limitation Act of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b)(1) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under paragraph (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be a trial by jury; and

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"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b)(1) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child conducted in the Family Division of the Superior Court under paragraph (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph—

"(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(ii) shall, upon the request of the individual, be a trial by jury; and

"(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subsection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 4. REPORTS ON CIVIL CONTEMPT PROCEDURES.

(a) IN GENERAL.—(1) The Committee on Governmental Affairs of the Senate, together with the Committee on the District of Columbia of the House of Representatives, shall conduct a study of current law and procedures with respect to civil contempt in the courts of the District of Columbia.

(2) The Committee on the Judiciary of the Senate shall conduct a study of current law and procedures with respect to civil contempt in the courts of the United States.

(b) SUBMISSION OF REPORTS.—Not later than September 1, 1990, the Committees on Governmental Affairs and the Judiciary of the Senate shall each submit a report on the study conducted by each Committee under subsection (a), and shall include in such report any recommendations regarding changes in current law.

SEC. 5. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply with respect to any individual imprisoned before the expiration of the 18-month period that begins on the date of the enactment of this Act for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

Approved September 23, 1989.

LEGISLATIVE HISTORY—H.R. 2136 (S. 1163):

HOUSE REPORTS: No. 101-98 (Comm. on the District of Columbia).
SENATE REPORTS: No. 101-104 accompanying S. 1163 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 135 (1989):
June 27, 28, considered and passed House.
Sept. 7, considered and passed Senate, amended, in lieu of S. 1163.
Sept. 20, House concurred in Senate amendment with amendments.
Sept. 21, Senate concurred in House amendments.