Public Law 89-519

AN ACT

To establish the District of Columbia Bail Agency, and for other purposes.

July 26, 1966
[H. R. 15860]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "District of Columbia Bail Agency Act".

D.C. Bail Agency Act.

SEC. 2. There is hereby created for the District of Columbia the District of Columbia Bail Agency (hereinafter referred to as the "agency") which shall secure pertinent data and provide for any judicial officer in the District of Columbia reports containing verified information concerning any individual with respect to whom a bail determination is to be made.

Definitions.

SEC. 3. As used in this Act—

(1) the term "judicial officer" means, unless otherwise indicated, the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit, the District of Columbia Court of Appeals, United States District Court for the District of Columbia, the District of Columbia Court of General Sessions, and the Juvenile Court of the District of Columbia (but only with respect to proceedings under Section 11–1556 of the D.C. Code) or any justice or judge of such courts or a United States Commissioner; and

(2) The term "bail determination" means any order by a judicial officer respecting the terms and conditions of release (including any order setting the amount of bail bond or any other kind of security given to assure appearance in court) of—

(A) any person arrested in the District of Columbia, or

(B) any material witness in any criminal proceeding in a court referred to in paragraph (1),

for trial or sentencing or pending appeal.

SEC. 4. (a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a United States Commissioner or whose case arose in or is before any court named in section 3(1) of this Act. Such interview when requested by a judicial officer shall also be undertaken with respect to any person charged with intoxication or traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person's prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of such information for submission to the appropriate judicial officer. The agency shall present such report with or without a recommendation for release on personal recognizance, personal bond, or other nonfinancial conditions, but with no other recommendation, to the appropriate judicial officer and shall provide copies of such report to the United States Attorney for the District of Columbia, to the Corporation Counsel of the District of Columbia (if pertinent) and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information concerning the person accused, his family, his community ties, residence, employment, prior criminal record if any, and may include such additional verified information as may become available to the agency.

Report.

(b) The agency when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in section 4(a) respecting any person whose case is pending before any such appellate court or judicial officer or in whose

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behalf an application for a bail determination shall have been submitted.

(c) Such information as may be contained in the agency's files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of a bail determination and shall otherwise be confidential except for members of the agency staff, and such members shall not be subject to subpena concerning information in their possession and such information shall not be the subject of court process for use in any other proceeding.

(d) The preparation by the agency and the submission of its report as provided in section 4 shall be accomplished at the earliest practicable opportunity.

(e) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may impose such terms and set such conditions upon release as shall appear warranted by the facts presented, except that such judicial officer may not establish any term or condition for release not otherwise authorized by law (including the Bail Reform Act of 1966 (Public Law 89–465)).

*Ante*, p. 214.

Executive committee. Membership.

SEC. 5. (a) The agency shall function under authority of and be responsible to an executive committee of five members of which three shall constitute a quorum. The executive committee shall be composed of the respective chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, or if circumstances may require, the designee of any such chief judge; and a fifth member who shall be selected by such chief judges.

Director.

(b) Within thirty days of the date of enactment of this Act, the executive committee shall meet and shall appoint a Director of the Agency who shall be a member of the bar of the District of Columbia.

SEC. 6. The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall receive such compensation as may be set by the executive committee but not in excess of that amount classified as GS–15 in the Classification Act of 1949, as amended. The Director shall hold office at the pleasure of the executive committee.

*Ante*, p. 288.

Personnel, employment and classification.

SEC. 7. The Director, subject to the approval of the executive committee, shall employ a chief assistant and such assisting and clerical staff and may make assignments of such agency personnel as may be necessary properly to conduct the business of the agency. The staff of the agency, other than clerical, shall be drawn from law students, graduate students, or such other available sources as may be approved by the executive committee. The chief assistant to the Director shall receive compensation as may be set by the executive committee, but in an amount not in excess of that classified as GS–11 in the Classification Act of 1949, as amended, and shall hold office at the pleasure of the executive committee. All other employees of the agency shall receive compensation as set by the executive committee, but in amounts not in excess of that classified as GS–7 in said Classification Act; salaries of clerical personnel shall be set at levels comparable to those allowed in the offices of the Legal Aid Agency and the United States Attorney for the District of Columbia. From time to time, the Director, subject to the approval of the executive committee, may set merit and longevity salary increases.

Report to executive committee, Congress, etc.

SEC. 8. The Director shall on June 15 of each year submit to the executive committee a report as to the agency's administration of its

responsibilities for the previous period of June 1 through May 31, a copy of which report will be transmitted by the executive committee to the Congress of the United States, and to the Commissioners of the District of Columbia. The Director shall include in his report, to be prepared as directed by the Commissioners of the District of Columbia, a statement of financial condition, revenues, and expenses for the past June 1 through May 31 period.

SEC. 9. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated to the District of Columbia such sums as may be necessary, but not to exceed $130,000 in any one fiscal year, which shall be disbursed by the Commissioners of the District of Columbia. Budget estimates for the agency shall be prepared by the Director and shall be subject to the approval of the executive committee.

SEC. 10. The Bail Reform Act of 1966 (Public Law 89-465) shall apply to any person detained pursuant to law or charged with an offense in the District of Columbia. *Ante*, p. 214.

SEC. 11. (a) Except as provided in subsection (b) hereof, this Act shall take effect on the date of its enactment.

(b) Sections 6, 7, and 8 shall take effect on the date of enactment of the first Act appropriating moneys to carry out the purposes of this Act which is enacted after the date of enactment of this Act, and section 4 shall take effect on the ninetieth day after the date of enactment of said first appropriation Act. Effective dates.

Approved July 26, 1966.

Public Law 89-520

AN ACT

July 26, 1966
[S. 3150]

To make further provision for the retirement of the Comptroller General.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 303 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 43), is hereby further amended by adding at the end thereof the following paragraph: Comptroller General. Further retirement provisions. 67 Stat. 229.

"Notwithstanding the preceding paragraph of this section, any person appointed to the Office of Comptroller General after January 1, 1966, and who at the time of his appointment is or has been subject to the provisions of the Civil Service Retirement Act, shall be subject to all of the provisions of that Act, unless he shall in writing elect to be subject to the provisions of the preceding paragraph of this section. Such election may be made at any time, but not later than sixty days after the expiration of the first ten years of service as Comptroller General, and shall be irrevocable. Any Comptroller General making such an election under this paragraph shall be entitled to a refund of the lump-sum credit to his account in the Civil Service retirement and disability fund, but shall receive no benefits under the Civil Service Retirement Act." 70 Stat. 736. 5 USC 2251 note

SEC. 2. Section 319 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 43b), is hereby amended by substituting a colon for the period at the end of subsection (a) and adding the following: "*Provided*, That in the case of a Comptroller General who elects in accordance with the third paragraph of section 303 of this Act to be subject to the provisions of the second paragraph of such section, the election permitted by this section may be made within sixty days after the making of the election permitted by the third paragraph of section 303." Dependents' annuities. 73 Stat. 197.

Approved July 26, 1966.