

108TH CONGRESS  
1ST SESSION

# H. R. 2334

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2003

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

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## 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 2003”.

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. 496. (a) CREATION.—There is hereby estab-  
10 lished the Office of the District Attorney for the District  
11 of Columbia (hereafter in this section referred to as the  
12 ‘Office’), to be headed by the District Attorney for the  
13 District of Columbia (hereafter in this section referred to  
14 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 ceding 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 2004.

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 2003, 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. 496. 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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