

114TH CONGRESS
1ST SESSION

S. _____

To revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. JOHNSON (for himself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, 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, Public Defender Service, and Court Services and
6 Offender Supervision Agency Act of 2015”.

1 **SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.**

2 (a) AUTHORIZATION TO COLLECT DEBTS AND ERRO-
3 NEOUS PAYMENTS FROM EMPLOYEES.—

4 (1) IN GENERAL.—Subchapter II of chapter 17
5 of title 11, District of Columbia Official Code, is
6 amended by adding at the end the following:

7 **“§ 11-1733. Collection, compromise, and waiver of em-
8 ployee debts and erroneous payments**

9 “(a) COLLECTION OF DEBTS AND ERRONEOUS PAY-
10 MENTS MADE TO EMPLOYEES.—

11 “(1) AUTHORITY TO COLLECT.—If the Execu-
12 tive Officer determines that an employee or former
13 employee of the District of Columbia Courts is in-
14 debted to the District of Columbia Courts because of
15 an erroneous payment made to or on behalf of the
16 employee or former employee, or any other debt, the
17 Executive Officer may collect the amount of the debt
18 in accordance with this subsection.

19 “(2) TIMING OF COLLECTION.—The Executive
20 Officer may collect a debt from an employee under
21 this subsection in monthly installments or at offi-
22 cially established regular pay period intervals, by de-
23 duction in reasonable amounts from the current pay
24 of the employee.

25 “(3) SOURCE OF DEDUCTIONS.—The Executive
26 Officer may make a deduction under paragraph (2)

1 from any wages, salary, compensation, remuneration
2 for services, or other authorized pay, including in-
3 centive pay, back pay, and lump sum leave pay-
4 ments, but not including retirement pay.

5 “(4) LIMIT ON AMOUNT.—In making deduc-
6 tions under paragraph (2) with respect to an em-
7 ployee, the Executive Officer—

8 “(A) except as provided in subparagraph
9 (B), may not deduct more than 20 percent of
10 the disposable pay of the employee for any pe-
11 riod; and

12 “(B) upon consent of the employee, may
13 deduct more than 20 percent of the disposable
14 pay of the employee for any period.

15 “(5) COLLECTIONS AFTER EMPLOYMENT.—If
16 the employment of an employee ends before the Ex-
17 ecutive Officer completes the collection of the
18 amount of the employee’s debt under this subsection,
19 deductions may be made—

20 “(A) from later non-periodic government
21 payments of any nature due the former em-
22 ployee, except retirement pay; and

23 “(B) without regard to the limit under
24 paragraph (4)(A).

25 “(b) NOTICE AND HEARING REQUIRED.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (3), prior to initiating any proceeding under
3 subsection (a) to collect any debt from an individual,
4 the Executive Officer shall provide the individual
5 with—

6 “(A) written notice, not later than 30 days
7 before the date on which the Executive Officer
8 initiates the proceeding, that informs the indi-
9 vidual of—

10 “(i) the nature and amount of the
11 debt determined by the District of Colum-
12 bia Courts to be due;

13 “(ii) the intention of the Courts to ini-
14 tiate a proceeding to collect the debt
15 through deductions from pay; and

16 “(iii) an explanation of the rights of
17 the individual under this section;

18 “(B) an opportunity to inspect and copy
19 Court records relating to the debt;

20 “(C) an opportunity to enter into a written
21 agreement with the Courts, under terms agree-
22 able to the Executive Officer, to establish a
23 schedule for the repayment of the debt; and

1 “(D) an opportunity for a hearing in ac-
2 cordance with paragraph (2) on the determina-
3 tion of the Courts—

4 “(i) concerning the existence or
5 amount of the debt; and

6 “(ii) in the case of an individual
7 whose repayment schedule is established
8 other than by a written agreement under
9 subparagraph (C), concerning the terms of
10 the repayment schedule.

11 “(2) PROCEDURES FOR HEARINGS.—

12 “(A) AVAILABILITY OF HEARING UPON RE-
13 QUEST.—Except as provided in paragraph (3),
14 the Executive Officer shall provide a hearing
15 under this paragraph if an individual, not later
16 than 15 days after the date on which the indi-
17 vidual receives a notice under paragraph (1)(A),
18 and in accordance with any procedures that the
19 Executive Officer prescribes, files a petition re-
20 questing the hearing.

21 “(B) BASIS FOR HEARING.—A hearing
22 under this paragraph shall be on the written
23 submissions unless the hearing officer deter-
24 mines that the existence or amount of the
25 debt—

1 “(i) turns on an issue of credibility or
2 veracity; or

3 “(ii) cannot be resolved by a review of
4 the documentary evidence.

5 “(C) STAY OF COLLECTION PRO-
6 CEEDINGS.—The timely filing of a petition for
7 a hearing under subparagraph (A) shall stay
8 the commencement of collection proceedings
9 under this section.

10 “(D) INDEPENDENT OFFICER.—An inde-
11 pendent hearing officer appointed in accordance
12 with regulations promulgated under subsection
13 (e) shall conduct a hearing under this para-
14 graph.

15 “(E) DEADLINE FOR DECISION.—The
16 hearing officer shall issue a final decision re-
17 garding the questions covered by the hearing at
18 the earliest practicable date, and not later than
19 60 days after the date of the hearing.

20 “(3) EXCEPTION.—Paragraphs (1) and (2)
21 shall not apply to a routine intra-Courts adjustment
22 of pay that is attributable to a clerical or adminis-
23 trative error or delay in processing pay documents
24 that occurred within the 4 pay periods preceding the
25 adjustment or to any adjustment that amounts to

1 not more than \$50, if at the time of the adjustment,
2 or as soon thereafter as practical, the Executive Of-
3 ficer provides the individual—

4 “(A) written notice of the nature and
5 amount of the adjustment; and

6 “(B) a point of contact for contesting the
7 adjustment.

8 “(c) COMPROMISE.—

9 “(1) AUTHORITY TO COMPROMISE CLAIMS.—

10 The Executive Officer may—

11 “(A) compromise a claim to collect a debt
12 under this section if the amount involved is not
13 more than \$100,000; and

14 “(B) suspend or end collection action on a
15 claim described in subparagraph (A) if the Ex-
16 ecutive Officer determines that—

17 “(i) no person liable on the claim has
18 the present or prospective ability to pay a
19 significant amount of the claim; or

20 “(ii) the cost of collecting the claim is
21 likely to be more than the amount recov-
22 ered.

23 “(2) EFFECT OF COMPROMISE.—A compromise
24 under this subsection shall be final and conclusive

1 unless obtained by fraud, misrepresentation, pre-
2 senting a false claim, or mutual mistake of fact.

3 “(3) NO LIABILITY OF OFFICIAL RESPONSIBLE
4 FOR COMPROMISE.—An accountable official shall not
5 be liable for an amount paid or for the value of
6 property lost or damaged if the amount or value is
7 not recovered because of a compromise under this
8 subsection.

9 “(d) WAIVER OF CLAIM.—

10 “(1) AUTHORITY TO WAIVE CLAIMS.—Upon ap-
11 plication from a person liable on a claim to collect
12 a debt under this section, the Executive Officer may,
13 with written justification, waive the claim if collec-
14 tion would be—

15 “(A) against equity;

16 “(B) against good conscience; and

17 “(C) not in the best interests of the Dis-
18 trict of Columbia Courts.

19 “(2) LIMITATIONS ON AUTHORITY.—The Exec-
20 utive Officer may not waive a claim under this sub-
21 section if the Executive Officer—

22 “(A) determines that there exists, in con-
23 nection with the claim, an indication of fraud,
24 misrepresentation, fault, or lack of good faith
25 on the part of the employee, the former em-

1 ployee, or any other person that has an interest
2 in obtaining a waiver of the claim; or

3 “(B) receives the application for waiver
4 later than 3 years after the later of the date on
5 which the erroneous payment was discovered or
6 the date of enactment of this section, unless the
7 claim involves money owed for Federal health
8 benefits, Federal life insurance, or Federal re-
9 tirement benefits.

10 “(3) DENIAL OF APPLICATION FOR WAIVER.—
11 A decision by the Executive Officer to deny an appli-
12 cation for a waiver under this subsection shall be the
13 final administrative decision of the District govern-
14 ment.

15 “(4) REFUND OF AMOUNTS ALREADY COL-
16 LECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—
17 If the Executive Officer waives a claim against an
18 employee or former employee under this section after
19 the District of Columbia Courts have been reim-
20 bursed for the claim in whole or in part, the Execu-
21 tive Officer shall provide the employee or former em-
22 ployee a refund of the amount of the reimbursement
23 upon application for the refund, if the Executive Of-
24 ficer receives the application not later than 2 years
25 after the effective date of the waiver.

1 “(5) EFFECT ON ACCOUNTS OF COURTS.—In
2 the audit and settlement of accounts of any account-
3 able official, full credit shall be given for any
4 amounts with respect to which collection by the Dis-
5 trict of Columbia Courts is waived under this sub-
6 section.

7 “(6) VALIDITY OF PAYMENTS.—An erroneous
8 payment or debt, the collection of which is waived
9 under this subsection, shall be a valid payment for
10 all purposes.

11 “(7) NO EFFECT ON OTHER AUTHORITIES.—
12 Nothing in this subsection shall be construed to af-
13 fect the authority of the District of Columbia under
14 any other statute to litigate, settle, compromise, or
15 waive any claim of the District of Columbia.

16 “(e) REGULATIONS.—The authority of the Executive
17 Officer under this section shall be subject to regulations
18 promulgated by the Joint Committee.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions for subchapter II of chapter 17 of title 11,
21 District of Columbia Official Code, is amended by
22 adding at the end the following:

 “11–1733. Collection, compromise, and waiver of employee debts and erroneous
 payments.”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall apply with respect to any er-

1 roneous payment made or debt incurred before, on,
2 or after the date of enactment of this Act.

3 (b) AUTHORIZATION TO PURCHASE UNIFORMS FOR
4 PERSONNEL.—Section 11–1742(b), District of Columbia
5 Official Code, is amended by adding at the end the fol-
6 lowing: “In carrying out the authority under the preceding
7 sentence, the Executive Officer may purchase uniforms to
8 be worn by nonjudicial employees of the District of Colum-
9 bia Courts whose responsibilities warrant the wearing of
10 uniforms if the cost of furnishing a uniform to an em-
11 ployee during a year does not exceed the amount applica-
12 ble for the year under section 5901(a)(1) of title 5, United
13 States Code (relating to the uniform allowance for employ-
14 ees of the Government of the United States).”.

15 **SEC. 3. AUTHORITIES OF COURT SERVICES AND OFFENDER**
16 **SUPERVISION AGENCY.**

17 (a) AUTHORITY TO DEVELOP AND OPERATE PRO-
18 GRAMMATIC INCENTIVES FOR SENTENCED OFFEND-
19 ERS.—Section 11233(b)(2)(F) of the National Capital Re-
20 vitalization and Self-Government Improvement Act of
21 1997 (sec. 24–133(b)(2)(F), D.C. Official Code) is amend-
22 ed by striking “sanctions” and inserting “sanctions and
23 incentives”.

24 (b) PERMANENT AUTHORITY TO ACCEPT GIFTS.—
25 Section 11233(b)(3)(A) of the National Capital Revitaliza-

1 tion and Self-Government Improvement Act of 1997 (sec.
2 24–133(b)(3)(A), D.C. Official Code) is amended to read
3 as follows:

4 “(A) **AUTHORITY TO ACCEPT GIFTS.**—The
5 Director may accept, solicit, and use on behalf
6 of the Agency any monetary or nonmonetary
7 gift, donation, bequest, or use of facilities, prop-
8 erty, or services for the purpose of aiding or fa-
9 cilitating the work of the Agency.”.

10 (c) **PERMANENT AUTHORITY TO ACCEPT AND USE**
11 **REIMBURSEMENTS FROM DISTRICT GOVERNMENT.**—Sec-
12 tion 11233(b)(4) of such Act (sec. 24–133(b)(4)) is
13 amended by striking “During fiscal years 2006 through
14 2008, the Director” and inserting “The Director”.

15 **SEC. 4. AUTHORITIES OF PUBLIC DEFENDER SERVICE.**

16 (a) **ACCEPTANCE AND USE OF SERVICES OF VOLUN-**
17 **TEERS.**—Section 307(b) of the District of Columbia Court
18 Reform and Criminal Procedure Act of 1970 (sec. 2–
19 1607(b), D.C. Official Code) is amended by striking “the
20 Service may accept public grants and private contributions
21 made to assist it” and inserting “the Service may accept
22 and use public grants, private contributions, and voluntary
23 and uncompensated (gratuitous) services to assist it”.

1 (b) TREATMENT OF MEMBERS OF BOARD OF TRUST-
2 EES AS EMPLOYEES OF SERVICE FOR PURPOSES OF LI-
3 ABILITY.—

4 (1) IN GENERAL.—Section 303(d) of the Dis-
5 trict of Columbia Court Reform and Criminal Proce-
6 dure Act of 1970 (sec. 2–1603(d), D.C. Official
7 Code) is amended by striking “employees of the Dis-
8 trict of Columbia” and inserting “employees of the
9 Service”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall take effect as if included in
12 the enactment of the District of Columbia Courts
13 and Justice Technical Corrections Act of 1998 (Pub-
14 lic Law 105–274; 112 Stat. 2419).