

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5367
OFFERED BY MR. TOWNS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “D.C. Courts and Public
3 Defender Service Act of 2010”.

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

5 (a) PERMITTING JUDICIAL CONFERENCE ON BIEN-
6 NIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—

7 Section 11—744, District of Columbia Official Code, is
8 amended—

9 (1) in the first sentence, by striking “annually”
10 and inserting “biennially or annually”;

11 (2) in the first sentence, by striking “active
12 judges” and inserting “active judges and magistrate
13 judges”;

14 (3) in the third sentence, by striking “Every
15 judge” and inserting “Every judge and magistrate
16 judge”; and

17 (4) in the third sentence, by striking “Courts of
18 Appeals” and inserting “Court of Appeals”.

1 (b) EMERGENCY AUTHORITY TO TOLL OR DELAY
2 JUDICIAL PROCEEDINGS.—

3 (1) PROCEEDINGS IN SUPERIOR COURT.—

4 (A) IN GENERAL.—Subchapter III of
5 Chapter 9 of title 11, District of Columbia Offi-
6 cial Code, is amended by adding at the end the
7 following new section:

8 **“§ 11—947. Emergency authority to toll or delay pro-
9 ceedings.**

10 “(a) TOLLING OR DELAYING PROCEEDINGS.—

11 “(1) IN GENERAL.—In the event of a natural
12 disaster or other emergency situation requiring the
13 closure of Superior Court or a natural disaster or
14 other emergency situation rendering it impracticable
15 for the United States or District of Columbia Gov-
16 ernment or a class of litigants to comply with dead-
17 lines imposed by any Federal or District of Colum-
18 bia law or rule that applies in the Superior Court,
19 the chief judge of the Superior Court may exercise
20 emergency authority in accordance with this section.

21 “(2) SCOPE OF AUTHORITY.—(A) The chief
22 judge may enter such order or orders as may be ap-
23 propriate to delay, toll, or otherwise grant relief
24 from the time deadlines imposed by otherwise appli-
25 cable laws or rules for such period as may be appro-

1 appropriate for any class of cases pending or thereafter
2 filed in the Superior Court.

3 “(B) The authority conferred by this section ex-
4 tends to all laws and rules affecting criminal and ju-
5 venile proceedings (including, pre-arrest, post-arrest,
6 pretrial, trial, and post-trial procedures) and civil,
7 family, domestic violence, probate and tax pro-
8 ceedings.

9 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If
10 the chief judge of the Superior Court is absent or
11 disabled, the authority conferred by this section may
12 be exercised by the judge designated under section
13 11-907(a) or by the Joint Committee on Judicial
14 Administration.

15 “(4) HABEAS CORPUS UNAFFECTED.—Nothing
16 in this section shall be construed to authorize sus-
17 pension of the writ of habeas corpus.

18 “(5) DEFINITIONS.—For purposes of this sub-
19 section—

20 “(A) the term ‘natural disaster’ means any
21 natural catastrophe (including any hurricane,
22 tornado, storm, high water, wind-driven water,
23 tidal wave, tsunami, earthquake, volcanic erup-
24 tion, landslide, mudslide, snowstorm, or

1 drought), or, regardless of cause, any fire,
2 flood, or explosion; and

3 “(B) the term ‘other emergency situation’
4 includes but is not limited to any occasion or
5 instance of terrorism, enemy attack, sabotage,
6 other hostile action, disease, or any manmade
7 cause which results in an imminent threat, se-
8 vere damage, or injury to life or property, or
9 loss thereof, or results in the destruction of or
10 severe damage to a court house, or impairs the
11 ability to access a courthouse, or the ability to
12 staff the courts.

13 “(b) CRIMINAL CASES.—In exercising the authority
14 under this section for criminal cases, the chief judge shall
15 consider the ability of the United States or District of Co-
16 lumbia Government to investigate, litigate, and process de-
17 fendants during and after the emergency situation, as well
18 as the ability of criminal defendants as a class to prepare
19 their defenses.

20 “(c) ISSUANCE OF ORDERS.—The United States At-
21 torney for the District of Columbia or the Attorney Gen-
22 eral for the District of Columbia or the designee of either
23 may request issuance of an order under this section, or
24 the chief judge may act on his or her own motion.

1 “(d) DURATION OF ORDERS.—An order entered
2 under this section may not toll or extend a time deadline
3 for a period of more than 14 days, except that if the chief
4 judge determines that an emergency situation requires ad-
5 ditional extensions of the period during which deadlines
6 are tolled or extended, the chief judge may, with the con-
7 sent of the Joint Committee on Judicial Administration,
8 enter additional orders under this section in order to fur-
9 ther toll or extend such time deadline.

10 “(e) NOTICE.—Upon issuing an order under this sec-
11 tion, the chief judge—

12 “(1) shall make all reasonable efforts to pub-
13 licize the order, including, when possible, announcing
14 the order on the District of Columbia Courts web
15 site; and

16 “(2) shall send notice of the order, including
17 the reasons for the issuance of the order, to the
18 Committee on Homeland Security and Governmental
19 Affairs of the Senate and the Committee on Over-
20 sight and Government Reform of the House of Rep-
21 resentatives.

22 “(f) REQUIRED REPORTS.—Not later than 180 days
23 after the expiration of the last extension or tolling of a
24 time period made by the order or orders relating to an
25 emergency situation, the chief judge shall submit a brief

1 report to the Committee on Homeland Security and Gov-
2 ernmental Affairs of the Senate, the Committee on Over-
3 sight and Government Reform of the House of Represent-
4 atives, and the Joint Committee on Judicial Administra-
5 tion describing the orders, including—

6 “(1) the reasons for issuing the orders;

7 “(2) the duration of the orders;

8 “(3) the effects of the orders on litigants; and

9 “(4) the costs to the court resulting from the
10 orders.

11 “(g) EXCEPTIONS.—The notice under subsection
12 (e)(2) and the report under subsection (f) are not required
13 in the case of an order that tolls or extends a time deadline
14 for a period of less than 14 days.”.

15 (B) CLERICAL AMENDMENT.—The table of
16 contents of chapter 9 of title 11, District of Co-
17 lumbia Official Code, is amended by adding at
18 the end of the items relating to subchapter III
19 the following:

“11—947. Emergency authority to toll or delay proceedings.”.

20 (2) PROCEEDINGS IN COURT OF APPEALS.—

21 (A) IN GENERAL.—Subchapter III of
22 Chapter 7 of title 11, District of Columbia Offi-
23 cial Code, is amended by adding at the end the
24 following new section:

1 **“§ 11—745. Emergency authority to toll or delay pro-**
2 **ceedings.**

3 “(a) TOLLING OR DELAYING PROCEEDINGS.—

4 “(1) IN GENERAL.—In the event of a natural
5 disaster or other emergency situation requiring the
6 closure of the Court of Appeals or a natural disaster
7 or other emergency situation rendering it impracti-
8 cable for the United States or District of Columbia
9 Government or a class of litigants to comply with
10 deadlines imposed by any Federal or District of Co-
11 lumbia law or rule that applies in the Court of Ap-
12 peals, the chief judge of the Court of Appeals may
13 exercise emergency authority in accordance with this
14 section.

15 “(2) SCOPE OF AUTHORITY.—The chief judge
16 may enter such order or orders as may be appro-
17 priate to delay, toll, or otherwise grant relief from
18 the time deadlines imposed by otherwise applicable
19 laws or rules for such period as may be appropriate
20 for any class of cases pending or thereafter filed in
21 the Court of Appeals.

22 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If
23 the chief judge of the Court of Appeals is absent or
24 disabled, the authority conferred by this section may
25 be exercised by the judge designated under section

1 11-706(a) or by the Joint Committee on Judicial
2 Administration.

3 “(4) HABEAS CORPUS UNAFFECTED.—Nothing
4 in this section shall be construed to authorize sus-
5 pension of the writ of habeas corpus.

6 “(5) DEFINITIONS.—For purposes of this sub-
7 section—

8 “(A) the term ‘natural disaster’ means any
9 natural catastrophe (including any hurricane,
10 tornado, storm, high water, wind-driven water,
11 tidal wave, tsunami, earthquake, volcanic erup-
12 tion, landslide, mudslide, snowstorm, or
13 drought), or, regardless of cause, any fire,
14 flood, or explosion; and

15 “(B) the term ‘other emergency situation’
16 includes but is not limited to any occasion or
17 instance of terrorism, enemy attack, sabotage,
18 other hostile action, disease, or any manmade
19 cause which results in an imminent threat, se-
20 vere damage, or injury to life or property, or
21 loss thereof, or results in the destruction of or
22 severe damage to a court house, or impairs the
23 ability to access a courthouse, or the ability to
24 staff the courts.

1 “(b) ISSUANCE OF ORDERS.—The United States At-
2 torney for the District of Columbia or the Attorney Gen-
3 eral for the District of Columbia or the designee of either
4 may request issuance of an order under this section, or
5 the chief judge may act on his or her own motion.

6 “(c) DURATION OF ORDERS.—An order entered
7 under this section may not toll or extend a time deadline
8 for a period of more than 14 days, except that if the chief
9 judge determines that an emergency situation requires ad-
10 ditional extensions of the period during which deadlines
11 are tolled or extended, the chief judge may, with the con-
12 sent of the Joint Committee on Judicial Administration,
13 enter additional orders under this section in order to fur-
14 ther toll or extend such time deadline.

15 “(d) NOTICE.—Upon issuing an order under this sec-
16 tion, the chief judge—

17 “(1) shall make all reasonable efforts to pub-
18 licize the order, including, when possible, announcing
19 the order on the District of Columbia Courts web
20 site; and

21 “(2) shall send notice of the order, including
22 the reasons for the issuance of the order, to the
23 Committee on Homeland Security and Governmental
24 Affairs of the Senate and the Committee on Over-

1 who is an employee, member of the Board of Trustees,
2 or officer of the Service for money damages arising out
3 of any claim, proceeding, or case at law relating to the
4 furnishing of representational services or management
5 services or related services under this Act while acting
6 within the scope of that person's office or employment,
7 including but not limited to such claims, proceedings, or
8 cases at law involving employment actions, injury, loss of
9 liberty, property damage, loss of property, or personal in-
10 jury, or death arising from malpractice or negligence of
11 any such officer or employee.”.

12 **SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON**
13 **FAMILY COURT OF THE SUPERIOR COURT.**

14 (a) REDUCTION IN TERM OF SERVICE.—Section
15 11—908A(c)(1), District of Columbia Official Code, is
16 amended by striking “5 years” and inserting “3 years”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall apply with respect to any individual
19 serving as a judge on the Family Court of the Superior
20 Court of the District of Columbia on or after the date of
21 the enactment of this Act.

