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VINCENT C. GRAY
MAYOR

JUL 7 2013

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:


Enclosed for consideration and enactment by the Council is the "Attorney General Subpoena Authority Authorization Amendment Act of 2013," which would amend the "Independent Personnel Systems Implementation Act of 1980," effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code § 1-301.21), to restore the Executive's subpoena authority by clarifying the meaning of the term "municipal matter" to include any matter for which the Executive Branch of the District of Columbia government has charge or responsibility. That authority was lost as a result of the "Attorney General Subpoena Authority Authorization Amendment Act of 2010," effective June 3, 2010 (D.C. Law 18-376; 58 DCR 944). The bill would also amend section 110 of the "Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010," effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*) to authorize the Attorney General for the District of Columbia to issue subpoenas for the production of documents concerning criminal offenses, acts of delinquency, or any other matter being investigated by the Attorney General.

The legislation will restore the District government's ability, through both the Executive and the Attorney General, to enforce and investigate violations of District law.

I urge the Council to take prompt and favorable action on this important proposal.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson
on behalf of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Independent Personnel Systems Implementation Act of 1980 to clarify and broaden the meaning of municipal matter; to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to authorize the Attorney General for the District of Columbia to issue subpoenas for the production of documents concerning criminal offenses, acts of delinquency, or any other matter being investigated by the Attorney General.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Attorney General Subpoena Authority Authorization Amendment Act of 2013”.

Sec. 2. Section 3(a)(2) of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code § 1-301.21), is amended to read as follows:

“(2) For the purposes of this act, the term “municipal matter” means any matter for which the Executive Branch of the District of Columbia government has charge or responsibility.”.

Sec. 3. Section 110 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2009 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended to read as follows:

“Sec. 110. Authority to issue subpoenas for the production of documents.

“(a) The Attorney General for the District of Columbia shall have the authority to issue subpoenas requiring the attendance and testimony under oath of witnesses and the production of

any evidence that is relevant or material relating to criminal offenses, acts of delinquency, or any criminal, civil or other matter being investigated by the Attorney General.

“(b) Subpoenas issued pursuant to subsection (a) of this section shall contain the following:

“(1) The name of the person from whom testimony is sought and materials requested;

“(2) The person at the Office of the Attorney General issuing the subpoena;

“(3) A command that the person to whom it is directed give testimony and/or produce any books, papers, documents, or other objects designated therein or any other record however maintained, including those electronically stored, that are relevant or material to the investigation at the time and place specified therein;

“(4) A description of the books, papers, documents, and objects requested;

“(5) A short, plain statement of the recipient’s rights and the procedure for enforcing and contesting the subpoena;

“(6) The signature of the Attorney General or his or her Senior Counsel, Chief Deputy Attorney General, Deputy Attorney General, or Assistant Deputy Attorney General approving the subpoena.

“(c) Unless otherwise permitted by the Office of the Attorney General, only attorneys for the government and their staff, other people involved in the investigation, the witness under examination, his or her attorney, interpreters when needed and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present during the taking of the testimony.

“(d) If a person refuses to obey a subpoena issued under subsection (a), the Attorney General may apply to the Superior Court of the District of Columbia for an order compelling the individual to comply with the subpoena. Any failure to obey the order of the court may be

punished by the Superior Court as civil contempt.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: January 4, 2013

SUBJECT: Legal Sufficiency Review of "Attorney General Subpoena Authority Authorization Amendment Act of 2013"
(AE-11-274-D)

This is to Certify that this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins