

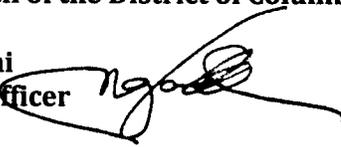
**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: October 1, 2010

SUBJECT: Fiscal Impact Statement - "Attorney General Subpoena Authority Authorization Amendment Act of 2010"

REFERENCE: Bill Number 18-1009, As Introduced

Conclusion

Funds are sufficient in the FY 2011 through FY 2014 proposed budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed bill would amend the Independent Personnel Systems Administration Act of 1980 ("Act")¹ to define "municipal matter" as "personnel matters concerning police officers and firefighters of the District of Columbia" in order to clarify the subpoena authority authorized under current law.² It also would amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010³ to:

- authorize the Attorney General for the District of Columbia (AG) to issue subpoenas for the production of documents concerning criminal offenses that the AG has the authority to prosecute;
- detail what such subpoenas are to contain;
- provide situations under which the AG would not have the authority to issue a subpoena⁴;
- provide that any person issued a subpoena under this section have the right to exercise the privileges enjoyed by all witnesses;
- require the AG to maintain a log of all requests for subpoenas;

¹ Effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code 1 § 301.21).

² D.C. Code § 1-301.21 states that "the Mayor of the District of Columbia shall have the power to issue subpoenas to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents in any investigation or examination of any *municipal matter*..."

³ Effective May 27, 2009 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*).

⁴ This includes when an indictment or information has been filed with the court formally charging the target of the investigation.

- provide that this log be exempt from disclosure⁵; and
- require the AG to submit to the Council a quarterly report listing the number of subpoenas requested and issued.

Lastly, the proposed legislation would amend D.C. Code § 23-521(d) to clarify that a search warrant may be sought to obtain information necessary to identify the victim of a criminal offense.

Financial Plan Impact

Funds are sufficient in the FY 2011 through FY 2014 proposed budget and financial plan to implement the provisions of the proposed legislation. Providing the Attorney General with the power to issue subpoenas would not require any additional resources. Furthermore, the requirements concerning documentation of the subpoena requests could be accommodated within the Office of the Attorney General's current budget.

⁵ Pursuant to Section 204 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534).