GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO:	**The Honorable Linda W. Cropp** **Chairman, Council of the District of Columbia**
FROM:	**Natwar M. Gandhi** **Chief Financial Officer**
DATE:	**May 25, 2001**
SUBJECT:	**Fiscal Impact Statement: "Corporation Counsel Subpoena Authority Act of 2001"**
REFERENCE:	**Draft Legislation - Bill Number Not Available**

Conclusion

Funds are not sufficient in the District's FY 2002 through FY 2005 budget and financial plan to conduct the activities in the proposed legislation. **Additional unbudgeted funds of approximately $132,000 will be required to implement the provisions of this legislation for FY 2002 through FY 2005.**

Anti-deficiency laws, 31-USCA § 1341 (2000), prohibit District officers and employees from exceeding agency appropriations in any fiscal year. Should the Office of Corporation Counsel (OCC) determine that funding is available to absorb the $33,000 in additional costs in FY 2002, then the net fiscal impact would be zero for that year. For subsequent years, the additional expenditures need to be included as budgeted expenditures.

Background

The proposed legislation would allow the Office of the Corporation Counsel (OCC) to issue subpoenas for witnesses when conducting a delinquency or criminal investigation. Two divisions in the OCC, the Juvenile Division and the General Crime Division, anticipate using this authority to subpoena witnesses. The proposed legislation allows witnesses summoned by the OCC to receive the same fees and mileage that witnesses are paid in the Superior Court of the District of Columbia. The Juvenile Rule of Superior

Court prohibits witnesses summoned in juvenile cases to be paid a fee or be reimbursed for transportation.

Financial Plan Impact

The General Crime Division of the OCC anticipates summoning at least one witness in approximately 30 percent of its cases, which means the office will issue approximately 650 subpoenas. The proposed legislation allows the OCC to pay witnesses the same daily fee as witnesses in the Superior Court. Witnesses will receive $40 for more than four hours of service or $20 for less than four hours of service. OCC estimates that approximately 40 percent of witnesses will serve for more than four hours and the remaining 60 percent will serve for less than four hours.

The proposed legislation allows each witness to be reimbursed for travel expenses in the same manner as Superior Court. Superior Court does not reimburse witnesses for local travel, which is considered to be any travel within a 25-mile radius of the District of Columbia. OCC anticipates that only 20 percent of witnesses will qualify for reimbursement for lodging and other travel expenses. This analysis assumes that each witness will remain in service for one day and would be reimbursed at the per diem rate of $118 per day.

No additional staff will be necessary to implement the provisions of the proposed legislation. The table below shows the financial impact of the proposed legislation for FY 2002 through FY 2005.

Total Estimated Net Impact to the Financial Plan ($ in 000s)					
Item	**FY 2002**	**FY 2003**	**FY 2004**	**FY 2005**	**TOTAL**
Fees	$18	$18	$18	$18	**$ 72**
Travel	15	15	15	15	**60**
Net Annual Impact	**$33**	**$33**	**$33**	**$33**	**$132**