

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



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Kwame R. Brown  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi   
Chief Financial Officer

**DATE:** June 14, 2011

**SUBJECT:** Fiscal Impact Statement – “District of Columbia Unjust Imprisonment  
Emergency Amendment Act of 2011”

**REFERENCE:** No Bill Number Available—Draft Legislation Shared with OCFO on  
June 10, 2011

---

**Conclusion**

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

**Background**

The proposed legislation would amend the District of Columbia Unjust Imprisonment Act of 1980<sup>1</sup> to limit the amount of damages a judge may award for unjust imprisonment to \$50,000 for each 12-month period of incarceration; and to require that, if applicable, any award given by the District be reduced by the amount of settlement or judgment recovered from the United States for the same conviction and unjust imprisonment. The proposed legislation also would disallow the award of punitive damages. Lastly, this Act would apply to all pending<sup>2</sup> and future claims against the District.

**Financial Plan Impact**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. By limiting the amount of money the District would be

---

<sup>1</sup> Effective March 5, 1981 (D.C. Law 3-143; D.C. Official Code § 2-423).

<sup>2</sup> That is, all claims that have yet to result in a final judgment and the exhaustion of all appeals.

The Honorable Kwame R. Brown

FIS: "District of Columbia Unjust Imprisonment Emergency Amendment Act of 2011," Draft legislation with the OCFO on June 10, 2011

required to award in unjust imprisonment cases, the legislation is likely to result in savings<sup>3</sup> when such rare cases arise.

---

<sup>3</sup> For example, on July 12, 1985 in a case brought under the same statute (*Brown v. District of Columbia*, C.A. No. 81-11595), the Superior Court awarded the plaintiff \$325,000 for being unjustly imprisoned for three years and ninety days for murder.