

## **Rule 12.4. Disclosure Statement**

### **(a) WHO MUST FILE.**

(1) *Nongovernmental Corporation.* Any nongovernmental corporate party must file a statement identifying the party's parent corporation and subsidiaries and any publicly held corporation that holds 10% or more of its stock.

(2) *Partnership.* Any partnership that is a party must file a statement identifying all partners, including silent partners.

(3) *Organizational Victim.* On order of the court, the government must file a statement identifying any organizational victim of the alleged criminal activity. If the organizational victim is a corporation or partnership, the statement must also disclose the information required by Rule 12.4(a)(1) or (2) to the extent it can be obtained through due diligence.

### **(b) TIME TO FILE; LATER FILING.** A party must:

(1) file the Rule 12.4(a) statement within 28 days after the defendant's initial appearance or the court's order; and

(2) promptly file a later statement if any required information changes.

## **COMMENT TO 2020 AMENDMENTS**

New subsection (a)(3), addressing disclosure of organizational victims, differs from its federal counterpart. Based on the high volume of cases, the Superior Court provision requires the government to file a statement identifying an organizational victim only if ordered by the court.

Subsections (b)(1) and (2) were amended consistent with the 2018 amendments to *Federal Rule of Criminal Procedure 12.4*.

## **COMMENT TO 2016 AMENDMENTS**

This is a new rule.

Paragraph (a) differs from the federal rule by adopting language from District of Columbia Court of Appeals Rule 28. Specifically, it expands the requirement of filing a disclosure statement to include corporate subsidiaries and partnerships. In addition, the disclosure requirement covers institutional parties but not institutional victims.

Paragraph (b) is identical to the federal rule.