



MURIEL BOWSER
MAYOR

SEP 21 2015

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Attached for Council review and approval, please find the "Public Safety and Criminal Code Revisions Amendment Act of 2015."

This legislation will: (1) provide for the consent, as a condition of their release, by individuals who committed a violent or dangerous crime and are on probation, parole, or supervised release of searches by supervision officers of the individual's residence or the individual's person while in their residence; (2) amend the District of Columbia Official Code (Code) to provide that a person arrested for committing a violent or dangerous crime and who violates a condition of pretrial release requiring compliance with a stay away order or tampering with a detection device may be ordered to temporary placement in custody for a minimum of 72 hours; (3) allow for an enhanced penalty at sentencing for violent offenses committed against a public transit passenger or committed at a Department of Parks and Recreation facility; (4) amend the Code to modify the rebuttable presumption on pretrial release of a defendant to a violent crime when the defendant has a previous conviction for a violent crime; (5) require supervisory agencies to provide detection device information to the Metropolitan Police Department upon request; (6) require supervisory agencies to test persons under their supervision for synthetic drug use; (7) create an incentive program for property and business owners to install security camera systems that are enrolled with the Metropolitan Police Department and amend the activation and usage of closed circuit television by law enforcement; (8) allow the rehiring of retired Metropolitan Police Department officers by the Department of Forensic Sciences; (9) create incentives for the retention and recruitment of Metropolitan Police Department officers; (10) make it unlawful to possess or receive a firearm with an obliterated or altered serial number, to receive, possess, sell or dispose of any stolen firearm or stolen ammunition, to possess a large capacity ammunition feeding device, to possess a firearm with the intent to sell it, for a person convicted of a felony to possess ammunition, and to establish penalties for each of these violations; (11) amend the Vehicle Insurance Enforcement Amendment Act of 2006 to eliminate the rebuttable presumption created by the failure of the

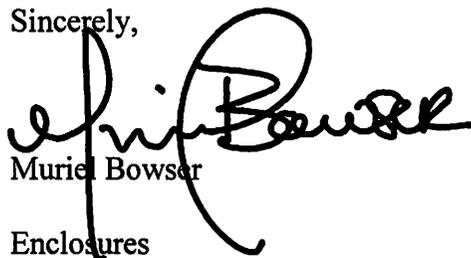
2015 SEP 21 11:04 AM
OFFICE OF THE
MAYOR

operator of a motor vehicle to present proof of insurance upon demand; (12) modernize the offenses of assault on a law enforcement officer and resisting arrest; and (13) clarify the prohibition against operating a vehicle with objects that obstruct a significant portion of the driver's view.

I urge prompt consideration and approval of this bill, which will enact significant and positive reforms in a variety of public safety matters.

If you have any questions on this matter, please contact Deputy Mayor Kevin Donahue at (202) 286-5028.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is written in a cursive style with a large, looping initial "M".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill which was referred to the Committee on _____.

To provide for the consent, as a condition of their release, by individuals who committed a violent or dangerous crime and are on probation, parole, or supervised release of searches by supervision officers of the individual's residence or the individual's person while in their residence; to amend section 23-1329 of the District of Columbia Official Code to provide that a person arrested for committing a violent or dangerous crime and who violates a condition of pretrial release requiring compliance with a stay away order or tampering with a detection device may be ordered to temporary placement in custody for a minimum of 72 hours; to allow for an enhanced penalty at sentencing for violent offenses committed against a public transit passenger or committed at a Department of Parks and Recreation facility; to amend 23-1322(c)(3) of the District of Columbia Official Code to modify the rebuttable presumption on pretrial release of a defendant to a violent or dangerous crime when the defendant has a previous conviction for a violent or dangerous crime; to require supervisory agencies to provide detection device information to the Metropolitan Police Department upon request; to require supervisory agencies to test persons under their supervision for synthetic drug use; to create an incentive program for property and business owners to install security camera systems that are enrolled with the Metropolitan Police Department; to amend the activation and usage of closed circuit television by law enforcement; to amend section 5-761 of the District of Columbia Official Code to allow the rehiring of retired Metropolitan Police Department officers by the Department of Forensic Sciences; to create incentives for the retention and recruitment of Metropolitan Police Department officers; to amend the Vehicle Insurance Enforcement Amendment Act of 2006 to eliminate the rebuttable presumption created by the failure of the operator of a motor vehicle to present proof of insurance upon demand; to amend the District of Columbia Law Enforcement Act of 1953 to modernize the offenses of assault on a law enforcement officer and resisting arrest; and to amend 18 DCMR 22 to clarify the prohibition against operating a vehicle with objects that obstruct a significant portion of the driver's view.

1 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
2 act may be cited as the “Public Safety and Criminal Code Revisions Amendment Act of 2015.”

3 TITLE I – CONSENT FOR SEARCHES BY CERTAIN VIOLENT OFFENDERS ON
4 PAROLE, PROBATION, OR UNDER SUPERVISED RELEASE

5 Section 101. Supervision search conditions for violent or dangerous offenders.

6 (a) This section applies to a person who has been sentenced to a period of probation, or is
7 being released from imprisonment on parole or supervised release, for the following offenses:

8 (1) A dangerous crime as defined in D.C. Official Code § 23-1331(3); provided,
9 that it shall not include subparagraphs (3)(B) or (3)(C); or

10 (2) A crime of violence as defined in D.C. Official Code § 23-1331(4).

11 (b) For purposes of this section:

12 (1) A dangerous weapon is one enumerated in D.C. Official Code § 22-4514;

13 (2) “Firearm” shall carry the same meaning that it does in section 101(9) of the
14 Firearms Control Regulations Act of 1975, effective July 23, 1976 (D.C. Law 1-85; D.C. Official
15 Code § 7-2501.01(9)); and

16 (3) Living quarters is the portion or portions of a residence under the exclusive
17 control of the person.

18 (c) Searches conducted pursuant to the notice provided in subsection (d) of this section
19 shall not be arbitrary, capricious, or conducted solely for the purpose of harassment.

20 (d) A person who has been sentenced to a period of probation, or is being released from
21 imprisonment on parole or supervised release, for an offense specified in subsection (a) of this
22 section shall not be released unless the person consents to terms and conditions of the person’s
23 probation, parole, or supervised release which shall include notice that his or her living quarters

1 or residence and his or her person while in his or her living quarters or residence is subject to
2 search by a supervision officer for, and seizure by a supervision officer of,

3 (1) Any

4 (A) Firearm that District law, federal law, or order of the court prohibits
5 the person from possessing; or

6 (B) Dangerous weapon;

7 (2) At any time of the day or night;

8 (3) With or without a search warrant; and

9 (4) With or without cause.

10 TITLE II – SWIFT AND CERTAIN SANCTIONS TO PREVENT RECIDIVISM BY
11 VIOLENT OR DANGEROUS OFFENDERS

12 Sec. 201. Section 23-1329 of the District of Columbia Official Code is amended as
13 follows:

14 (a) Subsection (a) is amended by striking the phrase “revocation of release” and inserting
15 the phrase “temporary placement in custody, revocation of release” in its place.

16 (b) Subsection (b)(1) is amended by striking the phrase “Proceedings for revocation of
17 release may be initiated on motion of the United States Attorney or on the court’s own motion.”

18 And insert the phrase “Proceedings for revocation of release and a temporary or pretrial order of
19 detention may be initiated at the request of the Pretrial Services Agency, on motion of the
20 prosecutor, or on the court’s own motion.” in its place.

21 (c) Insert a new subsection (d-1) to read as follows:

22 “(d-1) A person who has been conditionally released, who is ordered to abide by a stay-
23 away order or to wear a detection device, and who violates either of those conditions of release,

1 may be ordered by the court, in addition to or in lieu of the penalties and procedures prescribed
2 in subsections (a) through (d) of this section, to temporary placement in custody for a minimum
3 of 72 hours, when, in the opinion of the court, such action is necessary to assure compliance with
4 the conditions of release. A person shall not be subject to an order of temporary detention under
5 this subsection, unless before any such violation and order, the person has agreed in writing to
6 the imposition of such an order as a sanction for the person’s violation of a condition of
7 release.”.

8 (d) Insert a new subsection (d-2) to read as follows:

9 “(d-2) Subsection (d-1) shall apply to a person who commits an offense enumerated in §§
10 23-1331(3) or 23-1331(4); provided, that it shall not include §§ 23-1331(3) (B) or (C).”.

11 (e) Subsection (e) is amended as follows:

12 (1) Strike the phrase “temporary placement in custody” and inserting the phrase
13 “temporary placement in custody pursuant to subsection (d-1) of this section” in its place.

14 (2) Strike the phrase “A person shall not be subject to an order of temporary detention
15 under this subsection, unless before any such violation and order, the person has agreed in
16 writing to the imposition of such an order as a sanction for the person’s violation of a condition
17 of release.”.

18 TITLE III – ENHANCED PENALTIES TO PROTECT PUBLIC TRANSIT PASSENGERS
19 AND PARKS AND RECREATION CENTER USERS

20 Sec. 301. Section 22-3751.01 of the District of Columbia Official is amended to read as
21 follows:

22 “(a) Any person who commits an offense enumerated in § 22-3752 against a transit
23 operator, who, at the time of the offense, is authorized to operate and is operating a mass transit

1 vehicle in the District of Columbia, or against Metrorail station manager while on duty in the
2 District of Columbia, may be punished by a fine of up to one and 1/2 times the maximum fine
3 otherwise authorized for the offense and may be imprisoned for a term of up to one and 1/2 times
4 the maximum term of imprisonment otherwise authorized by the offense, or both.

5 “(a-1) Any person who commits an offense enumerated in §§ 23-1331(3) or 23-
6 1331(4) against a passenger of a mass transit vehicle may be punished by a fine of up to one and
7 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a
8 term of up to one and 1/2 times the maximum term of imprisonment otherwise authorized by the
9 offense, or both.

10 “(b) For the purposes of this section, the term:

11 “(1) “Mass transit vehicle” means any publicly or privately owned or operated
12 commercial vehicle for the carriage of 6 or more passengers, including any Metrobus, Metrorail,
13 MetroAccess, or DC Circulator vehicle, or other bus, trolley, or van operating within the District
14 of Columbia.

15 “(2) “Metrorail station manager” means any Washington Metropolitan Area
16 Transit Authority employee who is assigned to supervise a Metrorail station from a kiosk at that
17 station.

18 “(3) “Passenger” means a person who is traveling on a mass transit vehicle or
19 waiting at a marked mass transit vehicle boarding location, such as a bus stop or Metrorail
20 station.

21 “(4) “Transit operator” means a person who is licensed to operate a mass transit
22 vehicle.”.

1 (a) In order to ensure compliance with court orders prohibiting the use of illegal drugs,
2 supervisory agencies responsible for pretrial services, parole, probation or offender supervision
3 shall incorporate synthetic cannabinoid testing into their existing drug testing procedures.

4 (b) The supervisory agencies shall consult with the Department of Health, the Office of
5 the Chief Medical Examiner, and the Department of Forensic Sciences in developing the drug
6 testing required under this section and in providing anonymous results information for research
7 and statistical purposes.

8 (c) For purposes of this section, the term “supervisory agencies” shall include, but not be
9 limited to, the following agencies:

10 (1) Court Services and Offender Supervision Agency;

11 (2) Department of Youth Rehabilitative Services;

12 (3) Family Court Social Services Division; and

13 (4) Pretrial Services Agency.

14 TITLE VII – INCREASING PUBLIC SAFETY THROUGH SECURITY CAMERAS

15 FOR PRIVATE PROPERTY OWNERS

16 Sec. 701. Security camera installation incentive program.

17 (a) There is established a rebate program that shall provide funding to the property
18 owners or business owners in the District of Columbia who install a security camera system that
19 is enrolled with the Metropolitan Police Department.

20 (b) The program shall provide funding in the amount of up to \$250 per camera installed
21 and enrolled in the program, with a maximum rebate of up to \$1,000 per address; provided, that
22 only one security camera system per property address is eligible.

1 (c) The program shall be administered by the Mayor and shall operate until the end of
2 fiscal year 2016.

3 (d) A property or business owner shall have 3 months from the date of installation to
4 claim the rebate provided for in this section.

5 (e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
6 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and in
7 accordance with this section, shall issue rules regarding this program, including modifications to
8 the rebate amounts and eligibility requirements.

9 Sec. 702. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is
10 amended as follows:

11 (a) Subsection 2504.3 (24 DCMR § 2504.3) is amended to read as follows:

12 “2504.3 [RESERVED].”

13 (b) Subsections 2505.5, 2505.6, 2505.7 and 2505.8 (24 DCMR §§ 2505.5, 2505.6, 2505.7
14 and 2505.8) are amended by striking the phrase “ten (10) calendar days” wherever it appears and
15 inserting the phrase “thirty (30) calendar days” in its place.

16 TITLE VIII – REHIRING OF RETIRED METROPOLITAN POLICE DEPARTMENT
17 OFFICERS BY THE DEPARTMENT OF FORENSIC SCIENCES

18 Sec. 801. Section 2 of the Retired Police Officer Redeployment Amendment Act of 1992,
19 effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761) is amended by
20 adding a new subsection (a-1) to read as follows:

21 “(a-1) Except for a disability annuitant, a police officer retired from the Metropolitan
22 Police Department shall be eligible for rehire at the discretion of the Director of the Department

1 of Forensic Sciences as a temporary full-time or part-time employee without jeopardy to the
2 retirement benefits of the police officer.”.

3 TITLE IX – METROPOLITAN POLICE DEPARTMENT OFFICER RETENTION AND
4 RECRUITMENT INCENTIVES

5 Sec. 901. Retention incentive for experienced officers.

6 Section 1103(f)(1) of the District of Columbia Comprehensive Merit Personnel Act of
7 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(f)(1)) is
8 amended to read as follows:

9 “(f)(1) As of the effective date of the Public Safety and Criminal Code Revisions
10 Amendment Act of 2015, as introduced on _____ (D.C. Bill 21-___), the Chief of Police may
11 grant exempt time off to uniformed members of the Metropolitan Police Department at the rank
12 of Inspector and above, and the civilian equivalents, for work performed in excess of a 80-hour
13 biweekly pay period, excluding roll call. The Mayor shall promulgate rules governing such
14 compensation; provided that:

15 “(A) Exempt time off granted to any individual employee shall not exceed a total
16 of 80 hours in any consecutive 12-month period.

17 “(B) Exempt time off shall be forfeited if not used by the end of the leave year
18 following the leave year in which it was earned.

19 “(C) Exempt time off not used at the time of an employee’s separation from
20 service shall not be included in any form of leave payment.”.

21 Sec. 902. Recruitment incentive for military veterans.

1 Section 202(e) of the Metropolitan Police Department Application, Appointment, and
2 Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official
3 Code § 5-107.01(e)) is amended to read as follows:

4 “(e) As of the effective date of the Public Safety and Criminal Code Revisions
5 Amendment Act of 2015, as introduced on _____ (D.C. Bill 21-__), to be eligible for
6 appointment as a sworn member of the Metropolitan Police Department, an applicant shall have
7 either:

8 “(1) Successfully completed 60 hours of post-secondary education at an
9 accredited college or university;

10 “(2) Served in the Armed Forces of the United States, including the Organized
11 Reserves and National Guard, for at least 2 years on active duty and if separated from the
12 military, have received an honorable discharge; or

13 “(3) Served at least 2 years in a full-duty status with a full-service police
14 department in a municipality or state within the United States and have resigned or retired in
15 good standing.”.

16 TITLE X – ENDING DOUBLE PENALTIES FOR MOTOR VEHICLE INSURANCE
17 VIOLATIONS

18 Sec. 1001. Section 102(b) of the Vehicle Insurance Enforcement Amendment Act of
19 2006, effective June 8, 2006 (D.C. Law 16-117; D.C. Official Code § 5-114.02) is amended to
20 read as follows:

21 “(b) The failure of the operator of a motor vehicle to present proof of insurance upon
22 demand in violation of section 15(a)(7) of the Compulsory/No-Fault Motor Vehicle Insurance
23 Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-

1 2413(a)(7):

2 “(1) Is a violation of section 15(a)(7) and the law enforcement officer shall issue a
3 notice of infraction; and

4 “(2) May be considered as evidence in determining whether the motor vehicle is
5 being operated without required insurance being in effect, in violation of section 15(a)(3). If the
6 law enforcement officer determines the motor vehicle is being operated without required
7 insurance being in effect, the law enforcement officer may issue a notice of infraction for a
8 violation of section 15(a)(3).”.

9 TITLE XI – ASSAULT ON A LAW ENFORCEMENT OFFICER AND RESISTING ARREST
10 MODERNIZATION

11 Sec. 1101. Section 205 of The District of Columbia Law Enforcement Act of 1953,
12 approved June 29, 1953 (67 Stat. 95; D.C. Official Code § 22-405) is amended to read as
13 follows:

14 “(a) It is unlawful, without justifiable and excusable cause, to assault a law enforcement
15 officer on account of, or while that law enforcement officer is engaged in, the performance of his
16 or her official duties.

17 “(b) It is unlawful, without justifiable and excusable cause, to resist, oppose, impede,
18 intimidate or interfere with a law enforcement officer on account of, or while that law
19 enforcement officer is engaged in, the performance of his or her official duties.

20 “(c) It is neither justifiable nor excusable cause for a person to use force to resist an arrest
21 when such an arrest is made by an individual the person has reason to believe is a law
22 enforcement officer, whether or not such arrest is lawful.

23 “(d)(1) A person who violates subsection (a) of this section shall be imprisoned not more

1 than 180 days or fined not more than the amount set forth in § 101 of the Criminal Fine
2 Proportionality Amendment Act of 2012, or both.

3 “(2) A person who violates subsection (b) of this section shall be imprisoned not
4 more than 90 days or fined not more than the amount set forth in § 101 of the Criminal Fine
5 Proportionality Amendment Act of 2012, or both.

6 “(3) A person who violates subsection (a) or (b) of this section and causes
7 significant bodily injury to the law enforcement officer, or commits a violent act that creates a
8 grave risk of causing significant bodily injury to the officer, shall be imprisoned not more than 5
9 years or fined not more than the amount set forth in § 101 of the Criminal Fine Proportionality
10 Amendment Act of 2012, or both.

11 “(4) A person who violates subsection (a) or (b) of this section and causes serious
12 bodily injury to the law enforcement officer, or commits a violent act that creates a grave risk of
13 causing serious bodily injury to the officer, shall be imprisoned not more than 15 years or fined
14 not more than the amount set forth in § 101 of the Criminal Fine Proportionality Amendment Act
15 of 2012, or both.

16 “(e) For purposes of this section:

17 “(1) “Complex laceration” means an injury in which tissues are torn from a blunt
18 or penetrating force that involves deeper tissues (subcutaneous tissue and possibly muscle)
19 causing jagged or irregular edges.

20 “(2) “Head injury” means an injury to the scalp or head that requires medical
21 attention; a traumatic brain injury, intra-cranial bleeding, extra-cranial bleeding, a bony injury to
22 the skull; or a blunt force or penetrating injury to the head.

23 “(3) “Impaired consciousness” means disorientation, confusion, delirium,

1 somnolence, or obtundation, or a score of 12 or less on the Glasgow Coma Scale.

2 “(4) “Internal injury” means a penetrating gunshot or stab wound; damaged
3 muscles, tendons, ligaments, or nerves; blunt force trauma to the heart, lungs, liver, kidney,
4 stomach, colon, or any other internal organ, artery, or vein; an injury that requires surgical
5 intervention below the skin; or an injury below the skin to the head, neck, or torso.

6 “(5) “Law enforcement officer” means any officer or member of any police force
7 operating and authorized to act in the District of Columbia, including any reserve officer or
8 designated civilian employee of the Metropolitan Police Department, any licensed special police
9 officer, any officer or member of any fire department operating in the District of Columbia, any
10 officer or employee of any penal or correctional institution of the District of Columbia, any
11 officer or employee of the government of the District of Columbia charged with the supervision
12 of juveniles being confined pursuant to law in any facility of the District of Columbia regardless
13 of whether such institution or facility is located within the District, any investigator or code
14 inspector employed by the government of the District of Columbia, or any officer or employee of
15 the Department of Youth Rehabilitation Services, Court Services and Offender Supervision
16 Agency, the Social Services Division of the Superior Court, or Pretrial Services Agency charged
17 with intake, assessment, or community supervision.

18 “(6) “Loss of consciousness” means complete or near complete lack of
19 responsiveness to people or environmental stimuli, characterized as “stupor” or “coma”, or a
20 score of 3-8 on the Glasgow Coma Scale.

21 “(7) “Medical attention” means evaluation and/or treatment and/or follow-up.

22 “(8) “Multiple fractures” means two or more fractures of one bone or one or more
23 fractures of two or more bones.

1 “(9) “Obvious” means visible when that part of the body is not covered.

2 “(10) On a scale of 0-10, “extreme physical pain” means a subjective assessment
3 of 8, 9, or 10, and “significant physical pain” means a subjective assessment of 5 or more.

4 “(11) “Protracted” means for a period of 15 days or more.

5 “(12) “Requires” means medically indicated, regardless of whether the person
6 was evaluated and/or referred and/or treated, and/or followed-up.

7 “(13) “Serious bodily injury” means:

8 “(a) Loss of consciousness;

9 “(b) Extreme physical pain;

10 “(c) Protracted and obvious disfigurement;

11 “(d) Protracted loss or impairment of the function of a bodily member,
12 organ, or mental faculty;

13 “(e) A head injury;

14 “(f) An internal injury;

15 “(g) A laceration that requires surgical consultation, evaluation, or
16 treatment;

17 “(h) Multiple fractures;

18 “(i) A second, third, or fourth degree burn that requires referral to a burn
19 center;

20 “(j) Serious blood loss;

21 “(k) A drug overdose, poisoning or injury from a hazardous substance;

22 “(l) Extremely serious or critical bruising;

23 “(m) An injury that results in hospitalization;

1 “(n) An injury that results in an inability to attend school or work or to
2 fully engage in the activities of daily living for 5 or more days; or

3 “(o) An injury that involves a substantial risk of death with or without
4 medical intervention.

5 “(14) “Serious blood loss” means a loss of 15% or more of blood volume.

6 “(15) “Significant bodily injury” means:

7 “(a) Impaired consciousness or a potential closed head injury;

8 “(b) Significant physical pain;

9 “(c) Some disfigurement, whether obvious or not obvious;

10 “(d) Temporary loss or impairment of a function of a bodily member,
11 organ or mental faculty;

12 “(e) A soft tissue injury to a muscle, tendon, ligament or nerve;

13 “(f) An external injury;

14 “(g) A superficial gunshot, sharp object or other wound that requires
15 medical attention;

16 “(h) A single fracture;

17 “(i) A second, third or fourth degree burn;

18 “(j) Significant blood loss;

19 “(k) Exposure to a poisonous or hazardous substance;

20 “(l) Moderate or serious bruising;

21 “(m) An injury that requires medical attention;

22 “(n) An injury that results in an inability to attend school or work or to
23 fully engage in the activities of daily living for two or more days; or

1 “(o) An injury that requires hospitalization or immediate medical
2 attention.

3 “(16) “Significant blood loss” means a loss of blood for which a medical
4 professional orders testing to measure.”

5 “(17) “Temporary” means for a period of more than one day (24 hours).”.

6 TITLE XII – MODERNIZATION OF TRAFFIC CITATIONS FOR OPERATING A VEHICLE

7 Sec. 1201. Section 2213 of Title 18 (Vehicles and Traffic) of the District of Columbia
8 Municipal Regulations is amended as follows:

9 (a) Subsection 2213.1 is amended to read as follows:

10 “2213.1 No person shall drive a vehicle with any object in any position that obstructs a
11 significant portion of the view of the driver to the front or sides of the vehicle, or interferes with
12 the driver’s control over the driving mechanism of the vehicle.”.

13 (b) Subsections 2213.7 and 2213.8 are repealed.

14 TITLE XIII -- FISCAL IMPACT; EFFECTIVE DATE

15 Sec. 1301. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the fiscal
17 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
18 approved December 24, 1973 (87 Stat. 813; D.C. Official Code 17 § 1-206.02(c)(3)).

19 Sec. 1402. Effective date.

20 This act shall take effect following approval by the Mayor (or in the event of veto by the
21 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
22 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

- 1 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
- 2 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

TO: Ronald R. Ross
Deputy Director
Mayor's Office of Legal Counsel

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

DATE: September 21, 2015

RE: Legal Sufficiency Review – Mayor's Proposed "Public Safety and Criminal Code Revisions Amendment Act of 2015"
(AE-15-552 C)

On September 18, 2015, you asked this office for an extremely expedited legal sufficiency review of a draft Mayoral bill that is designed to combat crime in the District.* The bill, entitled the "Public Safety and Criminal Code Revisions Amendment Act of 2015," is legally sufficient.

The bill does, nonetheless, raise some legal concerns. It permits suspicionless searches of parolees, probationers, those on supervised release, and those released pre-trial, and as our prior memorandum explained, these searches may give rise to meaningful constitutional challenges. In addition, as our prior memorandum discussed, we recommend clarifying some of the bill's language to avoid ambiguous criminal provisions and to reaffirm that the bill does not seek to (impermissibly) impose obligations on federal obligations. I have attached our prior memorandum for your convenience.

If you have any further questions, please feel free to contact Josh Turner at 442-9834, or me at 724-5524.

JMR/jat

* On August 26, 2015, you provided us an initial draft of the bill, and we offered preliminary substantive comments. We then certified an amended version of the draft bill as legally sufficient, subject to necessary technical revisions, on September 15, 2015. Your office has agreed to all of those revisions.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

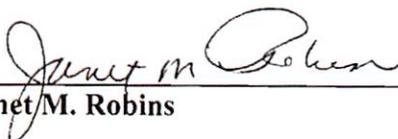
TO: Lolita S. Alston
Director
Office of Legislative Support

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

DATE: September 21, 2015

SUBJECT: Legal Sufficiency Review – “Public Safety and Criminal Code Revisions
Amendment Act of 2015”
(AE-15-595 C)

This is to Certify that this Office has reviewed the above-referenced proposed bill and 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