ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

AN ACT

D.C. ACT 16-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2006

To amend Chapter 10 of Title 47 of the District of Columbia Code to exempt from taxation real property located at lot 26, square 406 so long as it is leased to the Theatre Downtown, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Stage Guild Tax Exemption Act of 2006".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding a new section designation "§ 47-1074. Theatre Downtown, Inc.; lot 26, square 406.".

(b) A new section 47-1074 is added to read as follows:

New § 47-1074

"§ 47-1074. Theatre Downtown, Inc.; lot 26, square 406.

"The portion of real property located at lot 26, square 406 and leased to the Theatre Downtown, Inc., is hereby exempt from real property taxation so long as it is leased to the Theatre Downtown, Inc., and used for the purpose of producing and staging live theatre performances; provided, that the benefit of this exemption shall be passed on to the Theatre Downtown, Inc.".

Sec. 3. Applicability; conditional effect.

(a) Section 2 shall apply as of the date of execution of the lease for the real property by Theatre Downtown, Inc.

(b) The Chief Financial shall include the fiscal effect of the legislation in its next revised quarterly revenue estimate.

(c) Section 2 shall not take effect unless the fiscal effect of the legislation is funded in a revised quarterly revenue estimate of the Chief Financial Officer in an amount sufficient to account for its fiscal effect.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 18, 2006

AUG 11 2006

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AN ACT

D.C. ACT 16-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2006

To authorize, on a temporary basis, implementation of changes in certain solid waste disposal fees, to be made by rulemaking, that are based on a Council approved fee-setting formula without requiring submission of the changes to the Council for review, and to establish a special account for solid waste transfer disposal fees and disposal fee revenue.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solid Waste Disposal Fee Temporary Amendment Act of 2006".

Sec. 2. Section 8-3:606(e)(iv) of the Solid Waste Regulations, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4157), is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase "anticipated incinerator repair costs. The proposed rules" and inserting the phrase "other anticipated costs attributable to the operation of the District's solid waste disposal facilities, including its solid waste transfer facilities. Except as provided in subparagraph (B-i), the proposed rules" in its place.

(b) Add a new subparagraph (B-i) to read as follows:

"(B-i) Any change in the solid waste disposal fee established in accordance with the solid waste disposal fee-setting formula established pursuant to this act that is based on changes in fuel costs or other changes in the amounts paid by the District under a solid waste disposal contract that has been approved by the Council shall not be required to be submitted to the Council for review.".

Sec. 3. Solid Waste Disposal Fee Special Account.

There is hereby established within the General Fund of the District of Columbia a special account, to be known as the Solid Waste Disposal Fee Special Account, the funds of which shall be nonlapsing and shall not revert to the General Fund at the end of any fiscal year, or at any other time, but shall be continually available for the purposes set forth in this section, subject to authorization by Congress, into which shall be deposited all solid waste disposal transfer fee and disposal fee revenues, less any recycling surcharge, owed and accruing to the District; which funds shall be used to defray the expenses of operating, maintaining, and

improving the District's solid waste transfer facilities and the disposal of solid waste delivered to those facilities.

Sec. 4. Fiscal impact statement.

This Council adopts the fiscal impact statement of the Budget Director for the Council of the District of Columbia as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 18, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-443

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

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To amend, on an emergency basis, due to Congressional review, section 47-2501 of the District of Columbia Official Code to tax natural gas based on the number of therms delivered to consumers, to tax home heating oil based on the number of gallons delivered to consumers, and to clarify the definition of a residential ratepayer definition for utility tax amendments in the Ballpark Omnibus Financing and Revenue Act of 2004; and to amend Title 47 of the District of Columbia Official Code to make technical amendments to utility tax rates of the utility taxes to be deposited in the Ballpark Revenue Fund and to correct the basic tax rate for electricity users.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Congressional Review Emergency Act of 2006".

TITLE I. NATURAL GAS AND HOME HEATING OIL TAXATION RELIEF AND RATEPAYER CLARIFICATION.

Sec. 101. Section 47-2501 of the District of Columbia Official Code is amended as follows:

Note, § 47-2501

(a) Subsection (a) is amended as follows:

(1) The lead-in text is amended to read as follows:

"(a) Before the 21st day of each calendar month, each telephone company that sells public utility services or commodities within the District, and each nonpublic utility who sells artificial gas that is delivered, by any method of delivery, to an end-user in the District shall:".

(2) Paragraph (1) is amended by striking the phrase "the delivery of heating oil to an end-user in the District or sale of natural or artificial gas" and inserting the phrase "or the sale of artificial gas" in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

"(5) After December 1, 2005, pay to the Mayor:

"(A) 11% of these gross receipts from the sales included in bills rendered after December 1, 2005, for nonresidential customers and 10% of these gross receipts from sales

included in bills rendered after December 1, 2005, for residential customers for a telephone company;

"(B) 11% of these gross receipts from deliveries made after December 1, 2005, for nonresidential customers and 10% of these gross receipts from deliveries made after December 1, 2005, for residential customers for a person who delivers heating oil to an end-user in the District; or

"(C) 11% of those gross receipts from the sales of artificial gas delivered by any method after December 1, 2005, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after December 1, 2005, for residential customers by a nonpublic utility to an end-user in the District.

"(6) After September 30, 2006, pay to the Mayor:

"(A)(i) 11% of these gross receipts from the sales included in bills rendered after September 30, 2006, for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after September 30, 2006, for residential customers for a telephone company;

"(ii) For the purposes of sub-subparagraph (i) of this subparagraph, in determining whether a particular customer is a residential or nonresidential customer, a telephone company may rely upon existing customer classifications, such as "individual," "consumer," "enterprise," "business," "corporate," or "government.

"(B) 11% of those gross receipts from the sales of artificial gas delivered by any method after September 30, 2006, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after September 30, 2006, for residential customers by a nonpublic utility to an end-user in the District.".

(b) Subsection (a-2) is amended by striking the phrase "pursuant to subsection (a)(3) and (4) of this section" and inserting the phrase "pursuant to subsection (a)(3), (4), (5), and (6) of this section" in its place.

(c) New subsections (a-3) and (a-4) are added to read as follows:

"(a-3) For sales included in bills rendered after December 1, 2005, before the 21st day of each month beginning January 2006, each gas company that provides distribution services to District customers shall:

"(1) File an affidavit with the Mayor indicating the number of therms of natural gas delivered for final consumption in the District for the preceding billing period; and

"(2)(A)(i) Pay to the Mayor a tax of $0.0703, beginning December 2, 2005 and ending September 28, 2006, for each therm of natural gas delivered to end-users in the District for the billing period;

"(ii) Pay to the Mayor a tax of $0.0707, beginning September 29, 2006, for each therm of natural gas delivered to end-users in the District for the preceding billing period; and

"(B)(i) Pay to the Mayor an additional tax of $0.00983, beginning

December 2, 2005 and ending September 28, 2006, for each therm of natural gas delivered to nonresidential end-users in the District for the billing period;

"(ii) Pay to the Mayor an additional tax of $0.00707, beginning September 29, 2006, for each therm of natural gas delivered to nonresidential end-users in the District for the preceding billing period.

"(iii) Revenues received by the District pursuant to this subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this subparagraph shall be in addition to any other payments under this section.

"(iv) For the purposes of this subparagraph, for meter readings on or after June 28, 2006, residential end-use customers with group-metered accounts shall be residential customers. Group-metered accounts shall include service to any multiple dwelling building or property with 4 or more dwelling units.

"(3) Each gas company that provides distribution services to District customers shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers' bills.

"(4) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for distribution services sent by each gas company that provides distribution services to District.

"(a-4)(1) For sales included in bills rendered after September 30, 2006, before the 21st day of each month beginning November 1, 2006, each person who delivers heating oil to an end-user in the District shall:

"(A) File an affidavit with the Mayor indicating the number of gallons of home heating oil delivered for final consumption in the District for the preceding billing period; and

"(B)(i) Pay to the Mayor a tax of $0.17, beginning October 1, 2006, for each gallon of home heating oil delivered to end-users in the District for the preceding billing period; and

"(ii)(I) Pay to the Mayor an additional tax of $0.017, beginning October 1, 2006, for each gallon of home heating oil delivered to nonresidential end-users in the District for the preceding billing period.

"(II) Revenues received by the District pursuant to this sub-subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this subparagraph shall be in addition to any other payments under this section.

"(III) For the purposes of this sub-subparagraph, beginning July 1, 2006, in determining whether a particular customer is a residential or nonresidential customer, all deliveries to a personal place of dwelling shall be considered residential, including end-users living in cooperative housing associations, condominiums, and apartment communities.

"(2) Any gross receipts from sales made on or after October 1, 2006, that are not

included in bills rendered after September 30, 2006, and taxed under subsection (a-4) of this section shall be taxed at the appropriate rates provided in subsection (a)(5) of this section and reported in the affidavit due on October 21, 2006.

"(3) Each person who delivers heating oil to an end-user in the District shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers' bills.

"(4) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for heating oil delivered to an end-user in the District sent by each person who delivers heating oil to end-users in the District.".

Sec. 3. Section 47-3902(b) of the District of Columbia Official Code is amended by adding a new paragraph (3) to read as follows: Note, § 47-3902

"(3) For the purposes of subparagraph (1) of this paragraph, in determining whether a particular customer is a residential or nonresidential customer, a wireless telecommunications company may rely upon existing customer classifications, such as "individual," "consumer," "enterprise," "business," "corporate," or "government.""".

TITLE II. UTILITY TAX TECHNICAL AMENDMENTS.

Sec. 201. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-368.03(d)(2) is repealed. Note, § 47-368.03

(b) Section 47-2501 is amended as follows: Note, § 47-2501

(1) Subsection (a-1) is repealed.

(2) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

(3) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of $0.0077" and inserting the phrase "a tax of $0.007" in its place.

(B) Sub-subparagraph (ii)(I) is amended to read as follows:

"(ii)(I) Pay to the Mayor a tax of $0.0007 for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month.".

(4) Subsection (e) is amended by striking the word "necessary" and inserting the phrase "necessary or appropriate" in its place.

(c) Section 47-3902(d) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place. Note, § 47-3902

Sec. 202. Applicability.

(a) Section 201(a) and (b)(1) through (3) shall apply as of January 1, 2005.

(b) Section 201(c) shall apply as of April 8, 2005.

Note, §§ 47-2501 47-368.03 Note, § 47-3902

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

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

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto),and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia

APPROVED
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2006

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To approve, on a temporary basis, the re-authorization and execution of the exclusive rights development agreement with Hospitality Partners LLC/Conference Center Associates I, LLC, to lease certain real property in the District of Columbia known as the Fringe Lot, Parcel 121/31, located in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fringe Lot Real Property Exclusive Rights Agreement Extension Temporary Amendment Act of 2006".

Sec. 2. Notwithstanding section 1 of An Act Authorizing the lease of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), the District may re-authorize and execute the exclusive rights development agreement with Conference Center Associates I, LLC, to lease the property known as the Fringe Lot, Parcel 121/31, located in Ward 5.

Note, § 10-801

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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

(b) This act shall expire after 225 days of its having taken effect.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 18, 2006

AUG 11 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-445

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2006

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To establish, on an emergency basis, criminal offenses for recruiting members for criminal street gangs, causing a person to participate in or remain in a criminal street gang, and participating in any felony or violent misdemeanor on behalf of the street gang; to provide for enhanced criminal penalties of up to 1 ½ times the maximum otherwise provided by law for those adults who commit crimes of violence against minors; to establish a criminal offense for an adult causing a minor to engage in certain status offenses or delinquent acts; to authorize the Chief of Police to declare any public area a prostitution free zone for a period not to exceed 240 hours, and to establish a criminal offense for persons congregating within such a zone for purposes of prostitution after being ordered to disperse; to establish a criminal offense for installing an electronic recording device, mirror, or peephole in such manner as to surreptitiously observe individuals engaged in personal activities including sexual relations, changing clothes, or using a restroom, or for recording any of those activities; to establish a criminal offense for intimidating, impeding, interfering with, or retaliating against a public official or an employee of the District of Columbia; to establish a criminal offense for disabling a telephone or other communicative device for the purpose of preventing a victim from summoning medical or police assistance, or from reporting acts of child abuse or neglect; to amend the Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987 to clarify definitions of communication-impaired and hearing-impaired persons, to require the Metropolitan Police Department to certify qualified interviewers and develop regulations for certifying qualified interviewers, and to expand the list of those entities qualified to certify interpreters to include the United States Department of State and the Metropolitan Police Department; to amend the Prevention of Child Abuse and Neglect Act of 1977 to clarify the requirements of and procedures for criminal background checks for persons who are caring for or residing with children who had been abused or neglected; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to expand the list of individuals who must report child neglect and the circumstances which mandate that a report be made, and to increase penalties for failure to report child neglect; to amend the Criminal Background Checks for the

Protection of Children Act of 2004 to clarify procedures for criminal background checks required of persons working with children or youth, and to establish standards for assessing the information obtained; to amend the Firearms Control Regulations Act of 1975 to enhance the penalties for possessing armor piercing ammunition to a maximum term of 10 years imprisonment and a mandatory-minimum term of one year; to amend Title 16 of the District of Columbia Official Code to add stalking and offenses by a person against another who has or has had a relationship with the same individual to the list of intrafamily offenses, to provide that the court may consider a child's failure to appear at a scheduled juvenile hearing in determining the disposition of a child adjudicated delinquent, and to require the court to provide to the Council certain information on juveniles who fail to appear at scheduled hearings in delinquency cases; to amend An Act To establish a code of law for the District of Columbia to establish a criminal offense for an enhanced assault that causes significant bodily injury, to establish criminal offenses for solicitation of murder and any other crime of violence, to clarify the elements of and increase the penalties for harboring a child from the custody and control of the child's parents or guardian, and to provide that the presence of a person on property that is boarded-up or otherwise secured shall be prima facie evidence that the person has entered against the will of the person in legal possession of the property; to amend section 432 of the Revised Statutes relating to the District of Columbia to create 2 levels of the offense of assault on a police officer to include a misdemeanor offense and a 10-year felony where significant bodily injury is involved, and to expand the definition of those police officers covered to include all law enforcement officers in the District of Columbia; to amend An act for the preservation of the public peace and the protection of property within the District of Columbia to clarify the elements of offenses involving lewd, indecent, or obscene acts or proposals; to amend An Act For the suppression of prostitution in the District of Columbia to make it unlawful for any person to engage in or to solicit for prostitution, to provide procedures for the seizure and impoundment of vehicles used in furtherance of prostitution-related offenses, and to establish a fund into which funds collected for the assessment of civil penalties and fees related to the impoundment of vehicles used in furtherance of prostitution-related offenses shall be deposited; to amend the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981 to provide universal definitions applicable to all of the prostitution-related statutes; to amend An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof to increase criminal penalties for pandering, procuring, or arranging for a person under 18 years of age, and to clarify elements of those offenses; to amend An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases to increase criminal penalties for keeping bawdy or disorderly houses; to amend the Anti-Sexual Abuse Act of 1994 to make it unlawful for an adult in a significant

relationship with a minor to engage in sexual activity, to make it unlawful for any staff member to engage in sexual activity with wards, patients or inmates, to make it unlawful for a person purporting to treat another to falsely represent that he or she is licensed as a particular type of professional, to make it unlawful to seduce a child or a minor in a significant relationship, and to create the offense of misdemeanor sexual abuse of a child or minor; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the enhancement provisions for crimes committed against the elderly to include any crime of violence, to establish the criminal offense of altering or removing vehicle identification numbers from motor vehicles or parts of motor vehicles, and to clarify the standards for assessment of penalties for identity theft; to amend the Sex Offender Registration Act of 1999 to expand the definition of sexual offenses that require sex offender registration; to amend the HIV Testing of Certain Criminal Offenders Act of 1995 to expand the definition of "victims" to include domestic partners; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to increase the number of locations designated as gun free zones and enhance the penalties for violations; to amend Title 23 of the District of Columbia Official Code to permit either the United States Attorney's Office or the Office of the Attorney General for the District of Columbia to appeal a trial court order granting a new trial after verdict or judgment, or a decision or order denying a motion for revocation of, or modification of, the conditions of release, to expand the applicable statute of limitations to include offenses that are properly joinable with particular offenses, and to expand the list of offenses that constitute a "crime of violence"; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to increase the applicable drug free zones to include areas in and around housing owned, operated, or financially assisted by the District of Columbia Housing Authority; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to increase the duration of drug free zones from 120 to 240 hours; to amend the Drug Paraphernalia Act of 1982 to include cigarette rolling papers and cigar leaf wrappers within the definition of "drug paraphernalia," to provide circumstances under which a court may infer that small plastic or zip-lock bags and various pipes are being sold as drug paraphernalia, and to make it unlawful, with certain exceptions, to sell cocaine free base kits, certain glass or ceramic tubes, cigarette rolling papers, or cigar leaf wrappers in the District of Columbia; and to amend the District of Columbia Traffic Act, 1925, to impose a revocation of, or ineligibility to receive, an operator's permit for individuals convicted of an offense involving the use of a stolen vehicle or adjudicated a juvenile delinquent as a result of the commission of an offense involving the use of a stolen vehicle or where the individual was convicted of certain traffic offenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety Emergency Amendment Act of 2006".

TITLE I.

Sec. 101. Criminal street gangs.

(a)(1) It is unlawful for a person to solicit, invite, recruit, encourage, or otherwise cause, or attempt to cause, another individual to become a member of, remain in, or actively participate in what the person knows to be a criminal street gang.

(2) A person convicted of a violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

(b)(1) It is unlawful for any person who is a member of or actively participates in a criminal street gang to knowingly and willfully participate in any felony or violent misdemeanor committed for the benefit of, at the direction of, or in association with any other member or participant of that criminal street gang.

(2) A person convicted of a violation of this subsection shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

(c)(1) It is unlawful for a person to use or threaten to use force, coercion, or intimidation against any person or property, in order to:

(A) Cause or attempt to cause an individual to:

(i) Join a criminal street gang;

(ii) Participate in activities of a criminal street gang;

(iii) Remain as a member of a criminal street gang; or

(iv) Submit to a demand made by a criminal street gang to commit a felony in violation of the laws of the District of Columbia, the United States, or any other state;

or

(B) Retaliate against an individual for a refusal to:

(i) Join a criminal street gang;

(ii) Participate in activities of a criminal street gang;

(iii) Remain as a member of a criminal street gang; or

(iv) Submit to a demand made by a criminal street gang to commit a felony in violation of the laws of the District of Columbia, the United States, or any other state.

(2) A person convicted of a violation of this subsection shall be fined not more than $10,000 or imprisoned for not more than 10 years, or both.

(d) The penalties under this section are in addition to any other penalties permitted by law.

(e) For the purposes of this section, the term:

(1) "Criminal street gang" means an association or group of 6 or more persons that:

(A) Has as a condition of membership or continued membership, the committing of or actively participating in committing a crime of violence, as defined by D.C. Official Code § 23-1331(4); or

(B) Has as one of its purposes or frequent activities, the violation of the criminal laws of the District, or the United States, except for acts of civil disobedience.

(2) "Violent misdemeanor" shall mean:

(A) Destruction of property (D.C. Official Code § 22-303);

(B) Simple assault (D.C. Official Code § 22-404(a));

(C) Stalking (D.C. Official Code § 22-404(b));

(D) Threats to do bodily harm (D.C. Official Code § 22-407);

(E) Criminal abuse or criminal neglect of a vulnerable adult (D.C. Official Code § 22-936(a));

(F) Cruelty to animals (D.C. Official Code § 22-1001(a)); and

(G) Possession of prohibited weapon (D.C. Official Code § 22-4514).

Sec. 102. Enhanced penalties for crimes against minors.

(a) Any adult, being at least 2 years older than a minor, who commits a crime of violence against that minor may be punished by a fine of up to 1 ½ times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 ½ times the maximum term of imprisonment otherwise authorized for the offense, or both.

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

(1) "Adult" means a person 18 years of age or older at the time of the offense.

(2) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

(3) "Minor" means a person under 18 years of age at the time of the offense.

(c) It is an affirmative defense that the accused reasonably believed that the victim was not a minor at the time of the offense.

Sec. 103. Contributing to the delinquency of a minor.

(a) It is unlawful for an adult, being 4 or more years older than a minor, to invite, solicit, recruit, assist, support, cause, encourage, enable, induce, advise, incite, facilitate, permit, or allow the minor to:

(1) Be truant from school;

(2) Possess or consume alcohol or, without a valid prescription, a controlled substance as that term is defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official

Code § 48-901.02(4));

(3) Run away for the purpose of criminal activity from the place of abode of his or her parent, guardian, or other custodian;

(4) Violate a court order;

(5) Violate any criminal law of the District of Columbia for which the penalty constitutes a misdemeanor, except for acts of civil disobedience;

(6) Join a criminal street gang as that term is defined in section 101(e)(1); or

(7) Violate any criminal law of the District of Columbia for which the penalty constitutes a felony, or any criminal law of the United States, or the criminal law of any other jurisdiction that involves conduct that would constitute a felony if committed in the District of Columbia, except for acts of civil disobedience.

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

(1) "Adult" means a person 18 years of age or older at the time of the offense.

(2) "Minor" means a person under 18 years of age at the time of the offense.

(c)(1) Except as provided in paragraphs (2), (4) and (5) of this subsection, a person convicted of violating subsection (a)(1)-(6) of this section shall be fined not more than $1,000, or imprisoned for not more than 6 months, or both.

(2) A person convicted of violating subsection (a)(2)-(6) of this section, having previously been convicted of an offense under subsection (a)(2)-(6) of this section or a substantially similar offense in this or any other jurisdiction, shall be fined not more than $3,000 or imprisoned for not more than 3 years, or both.

(3) Except as provided in paragraphs (4) and (5) of this subsection, a person convicted of violating subsection (a)(7) of this section shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

(4) A person convicted of violating subsection (a) of this section that results in serious bodily injury to the minor or any other person shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

(5) A person convicted of violating subsection (a) of this section that results in the death of the minor or any other person shall be fined not more than $10,000 or imprisoned for not more than 10 years, or both.

(d) The penalties under this section are in addition to any other penalties permitted by law.

(e) It is not a defense to a prosecution under this section that the minor does not engage in, is not charged with, is not adjudicated delinquent for, or is not convicted as an adult, for any conduct set forth in subsection (a)(1)-(7) of this section.

(f) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute a violation of subsection (a) of this section for which the penalty is set forth in subsection (c)(1) of this section.

Sec. 104. Prostitution free zones.

(a) For the purposes of this section, the term:

(1) "Chief of Police" means the Chief of the Metropolitan Police Department.

(2) "Disperse" means to depart from the designated prostitution free zone and not to reassemble within the prostitution free zone with anyone from the group ordered to depart for the duration of the zone.

(3) "Known participant in prostitution or prostitution-related offenses" means a person who has been convicted in any court in any jurisdiction of any violation involving prostitution or prostitution-related offenses.

(4) "MPD" means the Metropolitan Police Department.

(5) "Prostitution" shall have the same meaning as provided in section 2(3) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(3)).

(6) "Prostitution free zone" means public space or public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to subsection (b) of this section.

(7) "Prostitution-related offenses" means those crimes and offenses defined in An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722).

(b)(1) The Chief of Police may declare any public area a prostitution free zone for a period not to exceed 240 consecutive hours. The Chief of Police shall inform his commanders, the Mayor, and the Council of the declaration of a prostitution free zone.

(2) In determining whether to designate a prostitution free zone, the Chief of Police shall find the following:

(A) The occurrence of disproportionately high arrests for prostitution or prostitution-related offenses, and calls for police service because of prostitution or prostitution-

related offenses in the proposed prostitution free zone within the preceding 6-month period;

(B) Objective evidence or verifiable information that shows that disproportionately high incidence of prostitution or prostitution-related offenses are occurring on public space or public property within the proposed prostitution free zone; and

(C) Any other verifiable information from which the Chief of Police may ascertain whether the public health or safety is endangered by prostitution or prostitution-related offenses in the prostitution free zone.

(c) Upon the designation of a prostitution free zone, the MPD shall mark each block within the prostitution free zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the prostitution free zone:

(1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for the purposes of prostitution or prostitution-related offenses within the boundaries of a prostitution free zone, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses;

(2) The boundaries of the prostitution free zone;

(3) A statement of the effective dates of the prostitution free zone designation; and

(4) Any other additional information the Chief of Police provides.

(d)(1) It shall be unlawful for a person to congregate in a group of 2 or more persons on public space or public property within the perimeter of a prostitution free zone established pursuant to subsection (b) of this section and thereafter to fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses.

(2) In making a determination that a person is congregating in a prostitution free zone for the purpose of engaging in prostitution or prostitution-related offenses, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(A) The conduct of a person being observed, including that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in prostitution or prostitution-related offenses, such as:

(i) Repeatedly beckoning to, stopping, attempting to stop, or attempting to engage passers-by in conversation for the purpose of prostitution;

(ii) Stopping or attempting to stop motor vehicles for the purpose of prostitution; or

(iii) Repeatedly interfering with the free passage of other persons

for the purpose of prostitution;

(B) Information from a reliable source indicating that a person being observed routinely engages in or is currently engaging in prostitution or prostitution-related offenses within the prostitution free zone;

(C) Physical identification by an officer of the person as a member of a gang or association which engages in prostitution or prostitution-related offenses;

(D) Knowledge by an officer that the person is a known participant in prostitution or prostitution-related offenses; and

(E) Knowledge by an officer that any vehicle involved in the observed circumstances is registered to a known participant in prostitution or prostitution-related offenses, or a person for whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-related offenses.

(e) Any person who violates this section shall, upon conviction, be subject to a fine of not more than $300, imprisonment for not more than 6 months, or both.

(f) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute all violations of this section.

Sec. 105. Voyeurism.

(a) For the purposes of this section, the term:

(1) "Electronic device" means any electronic, mechanical, or digital equipment that captures visual or oral images, including cameras, computers, tape recorders, video recorders, and cellular telephones.

(2) "Private area" means the naked or undergarment-clad genitals, pubic area, anus, or buttocks, or female breast below the top of the areola.

(b) Except as provided in subsection (e) of this section, it is unlawful for any person to occupy a hidden observation post or to install or maintain a peephole, mirror, or any electronic device for the purpose of secretly or surreptitiously observing an individual who is:

(1) Using a bathroom or restroom;

(2) Totally or partially undressed or changing clothes; or

(3) Engaging in sexual activity.

(c)(1) Except as provided in subsection (e) of this section, it is unlawful for a person to electronically record, without the express and informed consent of the individual being recorded, an individual who is:

(A) Using a bathroom or rest room;

(B) Totally or partially undressed or changing clothes; or

(C) Engaging in sexual activity.

(2) Express and informed consent is only required when the individual engaged in these activities has a reasonable expectation of privacy.

(d) Except as provided in subsection (e) of this section, it is unlawful for a person to

intentionally capture an image of a private area of an individual, under circumstances in which the individual has a reasonable expectation of privacy, without the individual's express and informed consent.

(e) This section does not prohibit the following:

(1) Any lawful law enforcement, correctional, or intelligence observation or surveillance;

(2) Security monitoring in one's own home;

(3) Security monitoring in any building where there are signs prominently displayed informing persons that the entire premises or designated portions of the premises are under surveillance; or

(4) Any electronic recording of a medical procedure which is conducted under circumstances where the patient is unable to give consent.

(f)(1) A person who violates subsection (b), (c), or (d) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

(2) A person who distributes or disseminates, or attempts to distribute or disseminate, directly or indirectly, by any means, a photograph, film, videotape, audiotape, compact disc, digital video disc, or any other image or series of images or sounds or series of sounds that the person knows or has reason to know were taken in violation of subsection (b), (c), or (d) of this section is guilty of a felony and, upon conviction, shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

(g) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute a violation of subsection (b), (c), or (d) of this section for which the penalty is set forth in subsection (f)(1) of this section.

Sec. 106. Protection of District public officials.

(a) For the purposes of this section, the term:

(1) "Family member" means an individual to whom the official or employee of the District of Columbia is related by blood, legal custody, marriage, domestic partnership, having a child in common, the sharing of a mutual residence, or the maintenance of a romantic relationship not necessarily including a sexual relationship.

(2) "Official or employee" means a person who currently holds or formerly held a paid or unpaid position in the legislative, executive, or judicial branch of government of the District of Columbia, including boards and commissions.

(b) A person who corruptly, by threat or force, or by any threatening letter or communication, intimidates, impedes, interferes with, or retaliates against, or attempts to intimidate, impede, interfere with, or retaliate against any official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than $5,000 or imprisoned not more than 5 years, or

both.

(c) A person who stalks, threatens, assaults, kidnaps, or injures any official or employee or vandalizes, damages, destroys, or takes the property of an official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than $3,000 or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

(d) A person who stalks, threatens, assaults, kidnaps, or injures a family member or vandalizes, damages, destroys, or takes the property of a family member on account of the performance of the official or employee's duties, shall be fined not more than $3,000 or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

Sec. 107. Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies.

(a) It shall be unlawful for a person to knowingly disconnect, damage, disable, temporarily or permanently remove, or use physical force or intimidation to block access to any telephone, radio, computer, or other electronic communication device with a purpose to obstruct, prevent, or interfere with:

(1) The report of any criminal offense to any law enforcement agency;

(2) The report of any bodily injury or property damage to any law enforcement agency;

(3) A request for ambulance or emergency medical assistance to any governmental agency, or any hospital, doctor, or other medical service provider; or

(4) The report of any act of child abuse or neglect to a law enforcement or child welfare agency.

(b) A person who violates subsection (a) of this section shall be fined not more than $1,000 or imprisoned not more than 180 days, or both.

TITLE II.

Sec. 201. The Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987, effective January 28, 1988 (D.C. Law 7-62; D.C. Official Code § 2-1901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1901) is amended as follows: **Note, § 2-1901**

(1) Paragraph (2) is amended by striking the phrase "a person whose hearing is impaired or who does not speak English." and inserting the phrase "a hearing-impaired person or a non-English or limited-English speaking person." in its place.

(2) Paragraph (3) is amended by striking the word "speech" and inserting the phrase "speech, and, if the communication at issue is in writing, who cannot communicate effectively in the written English language" in its place.

(3) Paragraph (4) is amended by adding after the phrase "Non-English" the

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phrase "or limited-English" and adding after the phrase "spoken" the phrase "or written".

(4) Paragraph (5) is amended to read as follows:

"(5) "Qualified interpreter" means a person who is listed by the Office of Court Interpreter Services or the United States Department of State as being, or is otherwise found by the court to be, skilled in the language or form of communication needed to communicate fluently with a communication-impaired person and to translate or interpret information accurately to and from the communication-impaired person.".

(5) Redesignate paragraph (6) as paragraph (3A).

(6) A new paragraph (6) is added to read as follows:

"(6) "Qualified interviewer" means a person who is certified by the Metropolitan Police Department as being, or is otherwise found by the court to be, skilled in the language or form of communication needed to communicate fluently with a communication-impaired person.".

(b) Section 3(e) (D.C. Official Code § 2-1902(e)) is amended to read as follows: Note, § 2-1902

"(e)(1) Whenever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall either:

"(A) Procure a qualified interpreter to translate or interpret information to and from the person during any custodial interrogation, warning, notification of rights, or taking of a written or oral statement; or

"(B) Have a qualified interviewer conduct the custodial interrogation, warning, notification of rights, or taking of a written or oral statement in a language other than English, including sign language.

"(2) No person who has been arrested but who is otherwise eligible for release shall be held in custody pending arrival of a qualified interpreter or qualified interviewer.

"(3) No answer, statement, or admission, written or oral, made by a communication-impaired person in reply to a question of a law enforcement officer may be used against that communication-impaired person in any criminal or delinquency proceeding unless the answer, statement, or admission was made or elicited through either a qualified interpreter or a qualified interviewer and was made knowingly, voluntarily, and intelligently or, in the case of a waiver, unless the court makes a special finding upon proof by a preponderance of the evidence that the answer, statement, or admission made by the communication-impaired person was made knowingly, voluntarily, and intelligently.

"(4) A qualified interpreter shall be used to translate any statement taken by a qualified interviewer into English for use in any criminal or delinquency proceeding.".

(c) A new section 13a is added to read as follows: Note, § 2-1902

"Sec. 13a. Procedures to certify qualified interviewers.

"Within 180 days of the effective date of the Omnibus Public Safety Emergency Amendment Act of 2006, passed on emergency basis on July 11, 2006 (Enrolled version of Bill 16-864), the Chief of Police shall develop and implement a General Order establishing

procedures to certify qualified interviewers. The procedures shall include reasonable standards for evaluating the qualifications and credentials of persons who may serve as qualified interviewers. The standards shall take into consideration such factors as native speaking, education, training, experience, and demonstrated competence.".

Sec. 202. Title IIIA of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.01 *et seq.*), is amended as follows:

(a) Section 321 (D.C. Official Code § 4-1305.01) is amended as follows:

(1) Paragraph (4) is amended to read as follows:

Note, § 4-1305.01

"(4) "Criminal record check" means a search of criminal records to determine whether an individual has a criminal conviction that is performed by the Federal Bureau of Investigation of national records, and by:

"(A) The Metropolitan Police Department, if the individual as an adult has resided, worked, or attended school in the District at any time in the past 5 years; or

"(B) The state's law enforcement agency, if the individual as an adult has resided, worked, or attended school outside of the District at any time in the past 5 years.".

(2) A new paragraph (6A) is added to read as follows:

"(6A) "Information form" means a written statement in a form established by the Agency that:

"(A) Is signed by the individual under penalty of perjury;

"(B) Identifies each state in which the individual has resided, worked, or attended school at any time in the past 5 years;

"(C) Identifies each felony for which the individual has been convicted as an adult, and the date and state of that conviction;

"(D) Identifies each state in which the individual is currently on parole or probation; and

"(E) Includes any other information required by the Agency.".

(b) Section 323(a) (D.C. Official Code § 4-1305.03(a)) is amended to read as follow:

Note, § 4-1305.03

"(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Agency, licensed child-placing agency, or the police:

"(1) A complete set of legible fingerprints taken on standard fingerprint cards by the Agency or the police;

"(2) Payment of the fees and costs of the criminal records check as described in section 324;

"(3) The completed information form; and

"(4) Any documentation required to conduct a criminal records check by a state identified in the completed information form.".

(c) Section 325 (D.C. Official Code § 4-1305.05) is amended as follows: Note, § 4-1305.05

(1) Subsection (a) is amended to read as follows:

"(a) The Agency or licensed child-placing agency shall forward complete sets of legible fingerprints taken on standard fingerprints cards by the Agency or licensed child-placing agency to the police or state law enforcement agency.".

(2) Subsection (c) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection, the Agency or licensed child-placing agency shall request the law enforcement agency of each state identified in the completed information form to conduct a state criminal records check and return the results to the Agency or licensed child-placing agency, as appropriate.

"(2) If the Agency or licensed child-placing agency has already determined that an individual has a disqualifying conviction, it is not required to make further requests to additional states.

"(3) The Agency or licensed child-placing agency may also use interstate databases or systems to conduct a single check for multiple states.".

Sec. 203. An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-1321.02) is amended as follows: Note, § 4-1321.02

(1) Subsection (a) is amended by striking the phrase "Child Protective Services Division of the Department of Human Services" and inserting the phrase "Child and Family Services Agency" in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the word "include" and insert the phrase "include Child and Family Services Agency employees, agents, and contractors, and" in its place.

(B) Strike the phrase "teacher," and insert the phrase "teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager," in its place.

(3) Subsection (c) is amended by striking the phrase "Child Protective Services Division of the Department of Human Services" and inserting the phrase "Child and Family Services Agency" in its place.

(4) Subsection (d) is amended by striking the phrase "Child Protective Services Division of the Department of Human Services" and inserting the phrase "Child and Family Services Agency" in its place.

(5) A new subsection (e) is added to read as follows:

"(e) Notwithstanding D.C. Official Code § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been, or is in immediate danger of being,

the victim of "sexual abuse" or "attempted sexual abuse" prohibited by the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*); or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute, as that term is defined in section 2(3) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(3)); or that the child has an injury caused by a bullet; or that the child has an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall immediately report or have a report made of such knowledge, information, or suspicion to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.".

(b) Section 3(a)(1) (D.C. Official Code § 4-1321.03(a)(1)) is amended by striking the phrase "Child Protective Services Division of the Department of Human Services" and inserting the phrase "Child and Family Services Agency" in its place. **Note, § 4-1321.03**

(c) Section 7 (D.C. Official Code § 4-1321.07) is amended as follows: **Note, § 4-1321.07**

(1) Strike the phrase "$100" and insert the phrase "$300" in its place.

(2) Strike the number "30" and insert the number "90" in its place.

Sec. 204. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 205(c)(5) (D.C. Official Code § 4-1501.05(c)(5)) is amended to read as follows: **Note, § 4-1501.05**

"(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intrafamily offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

"(A) Murder, attempted murder, manslaughter, or arson;

"(B) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, or threats to do bodily harm;

"(C) Burglary;

"(D) Robbery;

"(E) Kidnapping;

"(F) Illegal use or possession of a firearm;

"(G) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

"(H) Child abuse or cruelty to children; or

"(I) Unlawful distribution or possession with intent to distribute a controlled substance;".

(b) A new section 205a is added to read as follows:

"Sec. 205a. Assessment of information obtained from criminal background check.

Note, § 4-1501.05

"(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

"(1) The specific duties and responsibilities necessarily related to the employment sought;

"(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more of such duties or responsibilities;

"(3) The time which has elapsed since the occurrence of the criminal offense;

"(4) The age of the person at the time of the occurrence of the criminal offense;

"(5) The frequency and seriousness of the criminal offense;

"(6) Any information produced by the person, or produced on his or her behalf, regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

"(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

"(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere to, is on probation before judgment or placement of a case on the stet docket because of, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

"(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Commission on Human Rights within 30 days of the date of the written statement.".

Sec. 205. Section 706 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2507.06), is amended by adding a new paragraph (3) to read as follows:

Note, § 7-2507.06

"(3) A person convicted of knowingly possessing restricted pistol bullets in violation of section 601(3) may be sentenced to imprisonment for a term not to exceed 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined an amount not to

exceed $10,000 .".

Sec. 206. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1001(5) is amended to read as follows: Note, § 16-1001

"(5) The term "intrafamily offense" means an act punishable as a criminal offense committed by an offender upon a person:

"(A) To whom the offender is related by blood, legal custody, marriage, domestic partnership, having a child in common, or with whom the offender shares or has shared a mutual residence;

"(B) With whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship; provided, that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia;

"(C) Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the offender; or

"(D) Who had been stalked or is being stalked by the offender.".

(b) Section 16-2317(d)(5) is amended by striking the phrase "Division shall:" and inserting the phrase "Division may consider the child's failure to appear at a scheduled hearing and shall:" in its place. Note, § 16-2317

(c) Section 16-2320 is amended by adding a new subsection (c-3) to read as follows: Note, § 16-2320

"(c-3) When determining what disposition shall be ordered under subsection (a) of this section, the Division may consider a child's failure to appear at a scheduled hearing.".

(d) A new section 16-2325.02 is added to read as follows: Note, § 16-2325.01

"§ 16-2325.02. Report on failure of respondents to appear in delinquency cases.

"The Chief Judge of the Superior Court of the District of Columbia shall submit to the Council a semiannual report detailing the number of respondents in delinquency cases who fail to appear before any court or judicial official as required and the percentage that represents of those adjudicated. For each failure to appear, the report shall include the age of the respondent, the underlying offense with which the respondent was charged, and whether the respondent had previously failed to appear.".

Sec. 207. Section 806(a) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(a)), is amended to read as follows: Note, § 22-404

"(a)(1) Except as provided in paragraph (2) of this subsection, whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than $1,000 or be imprisoned not more than 180 days, or both.

"(2) Whoever intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined not more than $3,000 or be imprisoned not more than 3 years, or both. For the purposes of this paragraph, the term "significant bodily injury" means an injury that requires hospitalization or immediate medical attention.".

Sec. 208. Section 432 of the Revised Statutes relating to the District of Columbia (D.C. Official Code § 22-405), is amended to read as follows: Note, § 22-405

"Sec. 432. (a) For the purposes of this section, the term "law enforcement officer" means any officer or member of any police force operating and authorized to act in the District of Columbia, including any reserve officer or designated civilian employee of the Metropolitan Police Department, any licensed special police officer, any officer or member of any fire department operating in the District of Columbia, any officer or employee of any penal or correctional institution of the District of Columbia, any officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confined pursuant to law in any facility of the District of Columbia regardless of whether such institution or facility is located within the District, any investigator or code inspector employed by the government of the District of Columbia, or any officer or employee of the Department of Youth Rehabilitation Services, Court Services and Offender Supervision Agency, the Social Services Division of the Superior Court, or Pretrial Services Agency charged with intake, assessment, or community supervision.

"(b) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes, intimidates, or interferes with a law enforcement officer on account of, or while that law enforcement officer is engaged in the performance of his or her official duties shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not more than $1,000, or both.

"(c) A person who violates subsection (b) of this section and causes significant bodily injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing significant bodily injury to the officer, shall be guilty of a felony and, upon conviction, shall be imprisoned not more than 10 years or fined not more than $10,000, or both.

"(d) It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such an arrest is made by an individual he or she has reason to believe is a law enforcement officer, whether or not such arrest is lawful.".

Sec. 209. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101 *et seq.*), is amended by adding a new section 802b to read as follows:

"Sec. 802b. PENALTY FOR SOLICITATION OF MURDER OR OTHER CRIME OF VIOLENCE.

"(a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall

be sentenced to a period of imprisonment not exceeding 20 years, a fine of $20,000, or both.

"(b) Whoever is guilty of soliciting a crime of violence as defined by D.C. Official Code § 23-1331(4), whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding 10 years, a fine of $10,000, or both.".

Sec. 210. Section 9(a) of An Act For the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22-1312(a)), is amended to read as follows:

Note, § 22-1312

"(a) It shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person, or to make any lewd, obscene, or indecent sexual proposal in the District of Columbia, under penalty of not more than $300 fine, or imprisonment of not more than 90 days, or both, for each and every such offense.".

Sec. 211. An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2701) is amended to read as follows:

Note, § 22-2701

"Sec. 1. It is unlawful for any person to engage in prostitution or to solicit for prostitution. The penalties for violation of this section shall be a fine of $500 or not more than 90 days imprisonment, or both, for the first offense, a fine of $750 or not more than 135 days imprisonment, or both, for the second offense, and a fine of $1,000 or not more than 180 days imprisonment, or both, for the third and each subsequent offense.".

(b) Section 5(a) (D.C. Official Code § 22-2723(a)) is amended as follows:

Note, § 22-2723

(1) Paragraph (1) is amended as follows:

(A) The lead-in language is amended by striking the phrase "a violation of this act" and inserting the phrase "a violation of a prostitution-related offense" in its place.

(B) Subparagraph (A) is amended by striking the phrase "a violation of this act" and inserting the phrase "a violation of a prostitution-related offense" in its place.

(2) Paragraph (2) is amended by striking "violation of this act" and inserting the phrase "violation of a prostitution-related offense" in its place.

(c) New sections 6 and 7 are added to read as follows:

Note, § 22-2723

"Sec. 6. Impoundment.

"(a) Any vehicle used in furtherance of a violation of a prostitution-related offense shall be subject to impoundment pursuant to this section.

"(b) Whenever a police officer has probable cause to believe that a vehicle is being used in furtherance of a violation of a prostitution-related offense, and an arrest is made for that violation, the police officer, other member of the Metropolitan Police Department, or duly authorized agent thereof shall:

"(1) Arrange for the towing of the vehicle by the Department of Public Works, or

other designee of the Mayor, to a facility controlled by the District of Columbia or its agents, as designated by the Mayor, or, if towing services are not immediately available, arrange for the immobilization of the vehicle until such time as towing services become available; and

"(2) Provide written notice to the owner of record of the vehicle and to the person who is found to be in control of the vehicle at the time of the seizure conveying the fact of seizure and impoundment of the vehicle, as well as the right to obtain immediate return of the vehicle pursuant to subsection (d) of this section, in lieu of requesting a hearing.

"(c) The notices to be given pursuant to this section shall be provided by hand delivery at the time of the seizure and impoundment of the vehicle to the person in control of the vehicle or to the owner of record of the vehicle. If the owner of record of the vehicle is not available to receive such notice at the time of seizure, then the notice shall be sent to each owner of record via registered mail, return receipt requested, to the address listed in the records of the Department of Motor Vehicles within 3 days of the time of the impoundment, excluding Saturdays, Sundays, and legal holidays.

"(d) An owner, or a person duly authorized by an owner, shall, upon proof of same, be permitted to repossess or secure the release of the immobilized or impounded vehicle at any time (subject to administrative availability) by paying to the District government, as directed by the Department of Public Works, an administrative civil penalty of $150, a booting fee, if applicable, and all applicable towing and storage costs for impounded vehicles as provided by section 9(a)(6) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)(6))("Disposition Act"). Payment of such fees shall not be admissible as evidence of guilt in any criminal proceeding.

"(e) An owner, or person duly authorized by an owner, shall be entitled to refund of the administrative civil penalty, booting fee, and 2 days' towing and storage costs by showing that the prosecutor dropped the underlying criminal charges (except for instances of *nolle prosequi* or because the defendant completed a diversion program), that the Superior Court of the District of Columbia dismissed the case after consideration of the merits, or that the case resulted in a finding of not guilty on all prostitution related charges, or by providing a police report demonstrating that the vehicle was stolen at the time that it was subject to seizure and impoundment. If the vehicle had been stolen at the time of seizure and impoundment, a refund of all towing and storage costs shall be made.

"(f) An owner, or person duly authorized by an owner, shall be entitled to a due process hearing regarding the seizure of the vehicle.

"(g) Vehicles seized and impounded under this section shall not be subject to replevin, but shall be deemed to be in the custody of the Mayor.

"(h) Vehicles that remain unclaimed for 30 days may be disposed of pursuant to sections 7(c), (d), (e), and (f), 8, 9, and 10 of the Disposition Act; provided, that if the owner wants to claim the vehicle before it is auctioned, the owner must pay the administrative civil penalty

imposed by subsection (d) of this section in addition to the amounts required in section 9 of the Disposition Act.

"(i) The Attorney General of the District of Columbia, or his or her assistants, shall represent the District of Columbia in all proceedings under this section.

"(j) The Mayor shall issue rules setting forth the process by which a refund shall be obtained timely pursuant to subsection (e) of this section. Until such rules are published in the District of Columbia Register, this section shall not be enforceable.

"Sec. 7. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

"(a) There is established a fund designated as the Anti-Prostitution Vehicle Impoundment Proceeds Fund ("Fund"), which shall be used for the purpose set forth in subsection (b) of this section. All funds collected from the assessment of civil penalties, booting, towing, impoundment, and storage fees pursuant to section 5, and any and all interest earned on those funds, shall be deposited into the Fund, and shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress, except that any unused funds remaining in the Fund on September 30th of each fiscal year shall revert to the General Fund of the District of Columbia.

"(b) The Fund shall be used solely to fund expenses directly related to the booting, towing, and impoundment of vehicles used in furtherance of prostitution-related activities, in violation of a prostitution-related offense.

"(c) The Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures from the Fund.".

Sec. 212. Section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01), is amended to read as follows: **Note, § 22-2701.01**

"Sec. 2. Definitions.

"For the purposes of this act and An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); Section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), the term:

"(1) "Arranging for prostitution" means any act to procure or attempt to procure or otherwise arrange for the purpose of prostitution, regardless of whether such procurement or arrangement occurred or a fee was paid.

"(2) "Domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(3) "Prostitution" means a sexual act or contact with another person in return for giving or receiving a fee.

"(4) "Prostitution-related offenses" means those crimes and offenses defined in this act and in the acts cited in the lead-in language of this section.

"(5) "Sexual act" shall have the same meaning as provided in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)).

"(6) "Sexual contact" shall have the same meaning as provided in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)).

"(7) Solicit for prostitution" means to invite, entice, offer, persuade, or agree to engage in prostitution or address for the purpose of inviting, enticing, offering, persuading, or agreeing to engage in prostitution.".

Sec. 213. Section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704), is amended to read as follows: Note, § 22-2704

"Sec. 813. Abducting or enticing child from his or her home for purposes of prostitution; harboring such child.

"(a) It is unlawful for any person, for purposes of prostitution, to:

"(1) Persuade, entice, or forcibly abduct a child under 18 years of age from his or her home or usual abode, or from the custody and control of the child's parents or guardian; or

"(2) Secrete or harbor any child so persuaded, enticed, or abducted from his or her home or usual abode, or from the custody and control of the child's parents or guardian.

"(b) A person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of not more than $20,000, or both.".

Sec. 214. An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22- 2705 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2705) is amended to read as follows:

"Sec. 1. (a) It is unlawful for any person, within the District of Columbia to: Note, § 22-2705

"(1) Place or cause, induce, entice, procure, or compel the placing of any individual in the charge or custody of any other person, or in a house of prostitution, with intent that such individual shall engage in prostitution;

"(2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce, entice, or procure any individual:

"(A) To reside with any other person for the purpose of prostitution;

"(B) To reside or continue to reside in a house of prostitution; or

"(C) To engage in prostitution; or

"(3) Take or detain an individual against the individual's will, with intent to compel such individual by force, threats, menace, or duress to marry the abductor or to marry any other person.

"(b) It is unlawful for any parent, guardian, or other person having legal custody of the person of an individual, to consent to the individual's being taken, detained, or used by any person, for the purpose of prostitution or a sexual act or sexual contact.

"(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years, or by a fine of not more than $5,000, or both.

"(2) A person who violates subsection (a) or (b) of this section when the individual so placed, caused, compelled, induced, enticed, procured, taken, detained, or used or attempted to be so placed, caused, compelled, induced, enticed, procured, taken, detained, or used is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than $20,000, or both.".

(b) Section 2 (D.C. Official Code § 22-2706) is amended to read as follows: Note, § 22-2706

"Sec. 2. (a) It is unlawful for any person, within the District of Columbia, by threats or duress, to detain any individual against such individual's will, for the purpose of prostitution or a sexual act or sexual contact, or to compel any individual against such individual's will, to reside with him or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

"(b)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 15 years or by a fine of not more than $15,000, or both.

"(2) A person who violates subsection (a) of this section when the individual so detained or compelled is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than $20,000, or both.".

(c) Section 3 (D.C. Official Code § 22-2707) is amended to read as follows:

"Sec. 3. (a) It is unlawful for any person, within the District of Columbia, to receive any money or other valuable thing for or on account of arranging for or causing any individual to engage in prostitution or a sexual act or contact. Note, § 22-2707

"(b)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years or by a fine of not more than $5,000, or both.

"(2) A person who violates subsection (a) of this section when the individual so arranged for or caused to engage in prostitution or a sexual act or contact is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than $20,000, or both.".

(d) Section 4 (D.C. Official Code § 22-2708) is amended by striking the word "spouse" and inserting the phrase "spouse or domestic partner" in its place. Note, § 22-2708

Sec. 215. Section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), is amended by striking the phrase "$1,000 or imprisoned not more than 180 days, or both." and inserting the phrase "$5,000 or imprisoned not more than 5 years, or both." in its place. Note, § 22-2722

Sec. 216. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3001) is amended as follows: Note, § 22-3001

(1) A new paragraph (5A) is added to read as follows:

"(5A) "Minor" means a person who has not yet attained the age of 18 years.".

(2) Paragraph (10) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "marriage, or adoption" and inserting the phrase "marriage, domestic partnership, or adoption" in its place.

(B) Subparagraph (C) is amended by striking the phrase "spouse or paramour" and inserting the phrase "spouse, domestic partner, or paramour" in its place.

(C) Subparagraph (D) is amended to read as follows:

"(D) Any employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, or administrator, support staff, and any other person in a position of trust with or authority over a child or a minor.".

(b) A new section 208a is added to read as follows:

"Sec. 208a. First degree sexual abuse of a minor.

"Whoever, being 18 years of age or older, is in a significant relationship with a minor, and engages in a sexual act with that minor or causes that minor to engage in a sexual act shall

be imprisoned for not more than 15 years and may be fined in an amount not to exceed $150,000, or
both.".

(c) A new section 208b is added to read as follows:

"Sec. 208b. Second degree sexual abuse of a minor.

"Whoever, being 18 years of age or older, is in a significant relationship with a minor and engages in a sexual contact with that minor or causes that minor to engage in a sexual contact shall be imprisoned for not more than 7 ½ years and may be fined in an amount not to exceed $75,000, or both.".

(d) Section 209 (D.C. Official Code § 22-3010) is amended to read as follows: Note, § 22-3010

"Sec. 209. Enticing a child or minor.

"(a) Whoever, being at least 4 years older than a child or being in a significant relationship with a minor, (1) takes that child or minor to any place for the purpose of committing any offense set forth in sections 201-205 and 207-209, or (2) seduces, entices, allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed $50,000, or both.

"(b) Whoever attempts (1) to seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child or minor to engage in a sexual act or contact, or (2) to entice, allure, convince, or persuade any person who represents himself or herself to be a child or minor to go to any place for the purpose of engaging in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed $50,000, or both.".

(e) A new section 209a is added to read as follows: Note, § 22-3010

"Sec. 209a. Misdemeanor sexual abuse of a child or minor.

"(a) Whoever, being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, engages in sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180 days, or fined in an amount not to exceed $1,000, or both.

"(b) For the purposes of this section, the term "sexually suggestive conduct" means engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

"(1) Touching a child or minor inside his or her clothing;

"(2) Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;

"(3) Placing one's tongue in the mouth of the child or minor; or

"(4) Touching one's own genitalia or that of a third person.".

(f) Section 210 (D.C. Official Code § 22-3011) is amended as follows: Note, § 22-3011

(1) The section heading is amended by striking the word "abuse" and inserting

the phrase "abuse and sexual abuse of a minor" in its place.

(2) Strike the number "209" both times it appears and insert the phrase "209a" in its place.

(g) Section 212 (D.C. Official Code § 22-3013) is amended to read as follows: Note, § 22-3013

"Sec. 212. First degree sexual abuse of a ward.

"Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual act shall be imprisoned for not more than 10 years or fined in an amount not to exceed $100,000, or both.".

(h) Section 213 (D.C. Official Code § 22-3014) is amended to read as follows: Note, § 22-3014

"Sec. 213. Second degree sexual abuse of a ward.

"Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, or prisoner, who engages in a sexual contact with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner, to engage in or submit to a sexual contact shall be imprisoned for not more than 5 years or fined in an amount not to exceed $50,000, or both.".

(i) Section 214(a) (D.C. Official Code § 22-3015(a)) is amended as follows: Note, § 22-3015

(1) Paragraph (1) is amended by striking the word "or" at the end.

(2) Paragraph (2) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (3) and (4) are added to read as follows:

"(3) The actor represents falsely that he or she is licensed as a particular type of professional; or

"(4) The sexual act occurs during the course of a consultation, examination, treatment, therapy, or other provision of professional services.".

(j) Section 215(a) (D.C. Official Code § 22-3016(a)) is amended as follows: Note, § 22-3016

(1) Paragraph (1) is amended by striking the word "or" at the end.

(2) Paragraph (2) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (3) and (4) are added to read as follows:

"(3) The actor represents falsely that he or she is licensed as a particular type of professional; or

"(4) The sexual contact occurs during the course of a consultation, examination, treatment, therapy, or other provision of professional services.".

(k) Section 218 (D.C. Official Code § 22-3019) is amended to read as follows:

"Sec. 218. No immunity from prosecution for spouses or domestic partners. Note, § 22-3019

"No actor is immune from prosecution under any section of Title II because of marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the domestic partnership of the parties may be asserted as an affirmative defense in prosecution under Title II where it is expressly so provided.".

(l) Section 304 (D.C. Official Code § 22-3024) is amended to read as follows: Note, § 22-3024

"Sec. 304. Privilege inapplicable for spouses or domestic partners.

"Laws attaching a privilege against disclosure of communications between spouses or domestic partners are inapplicable in prosecutions under Title II where the defendant is or was married to the victim, or is or was a domestic partner of the victim, or where the victim is a child.".

Sec. 217. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended by adding a new section 133 to read as follows:

"Sec. 133. Altering or removing motor vehicle identification numbers.

"(a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any identification number on a motor vehicle or a motor vehicle part.

"(b)(1) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor if the value of the motor vehicle or motor vehicle part is less than $250 and, upon conviction, shall be imprisoned for not more than 180 days, or fined not more than $1,000, or both.

"(2) Any person who violates subsection (a) of this section shall be guilty of a felony if the value of the motor vehicle or motor vehicle part is $250 or more and, upon conviction, shall be imprisoned for not more than 5 years, or fined not more than $5000, or both.

"(c) For the purposes of this section, the term:

"(1) "Identification number" means a number or symbol that is originally inscribed or affixed by the manufacturer to a motor vehicle or motor vehicle part for purposes of identification.

"(2) "Motor vehicle" means any automobile, self-propelled mobile home, motorcycle, motor scooter, truck, truck tractor, truck semi trailer, truck trailer, bus, or other vehicle propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired.".

Sec. 218. Section 127c of the District of Columbia Theft and White Collar Crimes Act

of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.03), is amended as follows: Note, § 22-3227.03

(a) Subsection (a) is amended by adding the phrase ", or attempted to be obtained," after the phrase "if the property obtained".

(b) Subsection (b) is amended by adding the phrase ", or attempted to be obtained," after the phrase "of the property obtained".

Sec. 219. Section 824 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1324; D.C. Official Code § 22-3302), is amended by adding a new sentence at the end to read as follows: "The presence of a person in any private dwelling, building, or other property that is otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any person found in such property has entered against the will of the person in legal possession of the property.". Note, § 22-3302

Sec. 220. Section 201 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3601), is amended as follows: Note, § 22-3601

(a) Subsection (b) is amended to read as follows:

"(b) The provisions of subsection (a) of this section shall apply to the following offenses:

Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail accompanied by threats of violence, kidnaping, malicious disfigurement, manslaughter, mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the foregoing offenses.".

(b) Subsection (c) is amended to read as follows:

"(c) It is an affirmative defense that the accused knew or reasonably believed the victim was not 60 years old or older at the time of the offense, or could not have known or determined the age of the victim because of the manner in which the offense was committed. This defense shall be established by a preponderance of the evidence.".

Sec. 221. Section 2(8)(C) of the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137; D.C. Official Code § 22-4001(8)(C)), is amended by striking the phrase "(prostitution; pandering);" and inserting the phrase "section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of Note, § 22-4001

An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722) (prostitution; pandering);" in its place.

Sec. 222. Section 2(5) of the HIV Testing of Certain Criminal Offenders Act of 1995, effective November 11, 1995 (D.C. Law 11-74; D.C. Official Code § 22-3901(5)), is amended to read as follows: **Note, § 22-3901**

"(5) "Victim" means a person injured by the commission of an offense, and includes the parent or legal guardian of the victim, if the victim is a minor, or the spouse, domestic partner, or child of a victim, if the victim is deceased or incapacitated.".

Sec. 223. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) The definition of "Crime of violence" in section 1 (D.C. Official Code § 22-4501) is amended to read as follows: **Note, § 22-4501**

""Crime of violence" as used in this Act, shall have the same meaning as provided in D.C. Official Code § 23-1331(4).".

(b) Section 2a(a) (D.C. Official Code § 22-4502.01(a)) is amended to read as follows: **Note, § 22-4502.01**

"(a) All areas within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a gun free zone and shall be appropriately identified as a gun free zone.".

(c) Section 3 (D.C. Official Code § 22-4503) is amended as follows: **Note, § 22-4503**

(1) Strike the word "pistol" wherever it appears and insert the word "firearm" in

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its place.

(2) Subsection (b) is amended by striking the second sentence and inserting in its place the following: "Whoever violates this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.".

Sec. 224. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-104 is amended as follows: Note, § 23-104

(1) New subsections (d-1) and (d-2) are added to read as follows:

"(d-1) In a criminal or delinquency case, the United States or the District of Columbia may appeal an order of a trial court granting a new trial after verdict or judgment, as to any one or more counts, or any part thereof, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

"(d-2) In a criminal or delinquency case, the United States or the District of Columbia may appeal a decision or order entered by the trial court granting the release of a person charged with, or convicted or adjudicated delinquent of an offense, the denial of a motion for revocation of release, or modification of the conditions of release.".

(2) Subsection (e) is amended by striking the phrase "subsection (b) or (d)" and inserting the phrase "subsection (b), (d), (d-1), or (d-2) " in its place.

(3) Subsection (f) is amended to read as follows:

"(f) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with Chapter 13 of this title and a juvenile respondent shall be detained or released in accordance with Chapter 23 of Title 16.".

(b) Section 23-113(a) is amended as follows: Note, § 23-113

(1) Paragraph (2) is amended by adding the phrase "and any offense that is properly joinable with any of the following crimes" after the phrase "A prosecution for the following crimes".

(2) Paragraph (3) is amended by adding the phrase "and any offense that is properly joinable with any of the following crimes" after the phrase "A prosecution for the following crimes".

(c) Section 23-1331(4) is amended to read as follows: Note, § 23-1331

"(4) The term "crime of violence" means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or

threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses.".

Sec. 225. Section 407a(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended to read as follows: Note, § 48-904.07a

"(a) All areas within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug free zone and shall be appropriately identified as a drug free zone.".

Sec. 226. Section 3(a) of the Anti-Loitering/Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1002(a)), is amended by striking the phrase "120 consecutive hours" and inserting the phrase "240 consecutive hours" in its place. Note, § 48-1002

Sec. 227. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.),* is amended as follows:

(a) Section 2(3)(L) (D.C. Official Code § 48-1101(3)(L)) is amended as follows: Note, § 48-1101

(1) Sub-subparagraph (xiii) is amended by striking the word "or" at the end.

(2) Sub-subparagraph (xiv) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New sub-subparagraph (xv) is added to read as follows:

"(xv) Cigarette rolling paper or cigar leaf wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars.".

(b) Section 3 (D.C. Official Code § 48-1102) is amended as follows: Note, § 48-1102

(1) Subsection (a)(8) is amended to read as follows:

"(8) The size or packaging of the object, or the manner in which it is displayed;".

(2) Subsection (b) is amended to read as follows:

"(b) Where the alleged violation of the act occurred at a commercial retail or wholesale

establishment, the court or other authority may infer, based upon consideration of the factors in subsection (a) of this section, that the following items are drug paraphernalia:

"(1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or

"(2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctuated metal bowls.".

(c) Section 4 (D.C. Official Code § 48-1103) is amended by adding a new subsection (e) to read as follows:

Note, § 48-1103

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, it is unlawful to sell the following products in the District of Columbia:

"(A) Cocaine free base kits;

"(B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

"(C) Cigarette rolling papers; and

"(D) Cigar leaf wrappers.

"(2) A commercial retail or wholesale establishment may sell cigarette rolling papers or cigar leaf wrappers if the establishment:

"(A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and

"(B) Sells loose tobacco intended to be rolled into cigarettes or cigars.

"(3) A wholesaler may sell cigarette rolling papers or cigar leaf wrappers to retail establishments described in paragraph (2) of this subsection.

"(4) A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than $1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this act, in which case the person shall be imprisoned for not more than 2 years, or fined not more than $5,000, or both.".

Sec. 228. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 10(d) (D.C. Official Code § 50-2201.05(d)) is amended by striking the phrase "who is convicted in the District" and inserting the phrase "who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District" in its place.

Note, § 50-2201.05

(b) Section 13a (D.C. Official Code § 50-1403.02) is amended as follows:

Note, § 50-1403.02

(1) The section heading is amended to read as follows:

"Sec. 13a. Revocation and disqualification of motor vehicle operator's permit.".

(2) New subsections (a-1), (a-2), (a-3), and (a-4) are added to read as follows:

"(a-1) The Mayor may delay issuance of an operator's permit by disqualifying anyone not already in possession of a valid operator's permit when such individual is convicted of or adjudicated delinquent as a result of:

"(1) The commission of a stolen vehicle offense;

"(2) Operating a motor vehicle without a permit (section 7(d))--residents; section 8(i))--non-residents);

"(3) Operating a motor vehicle after revocation or suspension of an operator's permit (section 13); or

"(4) Any felony in the commission of which a motor vehicle is involved.

"(a-2) In all cases where a person is convicted or adjudicated delinquent of any of the offenses set forth in subsection (a-1) of this section, the disqualification period shall commence on the later of:

"(1) The date of conviction or adjudication if the person is imprisoned or legal custody of the person has been transferred to a public agency for care of delinquent children as a result of the conviction or adjudication;

"(2) The person's 16th birthday if the conviction or adjudication occurs before the person is 16 years of age; or

"(3) The date that a person over 16 years of age becomes eligible to have driving privileges restored if such privileges have previously been revoked or suspended.

"(a-3) The disqualification period referenced in subsection (a-2) of this section shall, for any offense set forth in subsection (a-1) of this section, be:

"(1) Six months for a first time violation of any offense set forth in subsection (a-1) of this section;

"(2) One year for a second violation; or

"(3) Two years for each subsequent violation.

"(a-4) A copy of the conviction or adjudication shall be forwarded by the court to the Mayor, along with the offender's social security number or operator's permit number, together with a copy of the operator's permit.

(3) Subsection (b) is amended to read as follows:

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

"(1) "Drug offense" means:

"(A) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970 (84 Stat. 1236; 21 U.S.C. § 801 *et seq.*), the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), or the law of any state, territory, or possession of the United States; or

"(B) The operation of a motor vehicle under the influence of such a substance.

"(2) "Stolen vehicle offense" means:

"(A) A theft of a motor vehicle in violation of section 111 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C.

Law 4-164; D.C. Official Code § 22-3211) ("Act");

"(B) The unauthorized use of a motor vehicle in violation of section 115 of the Act; or

"(C) Trafficking in or receiving a stolen motor vehicle in violation of sections 131 or 132 of the Act.".

TITLE III.

Sec. 301. Fiscal impact statement.

The Council adopts the June 2, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the Juvenile Curfew Act of 1995 to authorize the Mayor to modify curfew hours by issuing an executive order; to amend Title 16 of the District of Columbia Official Code to require the Family Court of the Superior Court of the District of Columbia and the Director of the Department of Youth Rehabilitation Services to disclose specified information to the Chief of the Metropolitan Police Department; to require the Metropolitan Police Department to notify the Superintendent of the District of Columbia Public Schools of the filing of a petition against a student by the Office of the Attorney General for certain offenses and to disclose certain records relating to the charge; to amend Titles 23 and 16 of the District of Columbia Official Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery or certain handgun violations pending a trial or disposition hearing; to amend Chapter 25 of Title 24 of the District of Columbia Municipal Regulations governing the Metropolitan Police Department's Closed Circuit Television system to authorize its use in the prevention, detection, deterrence, and investigation of crime; to require the Mayor to make available to the Council certain Metropolitan Police Department records relating to the performance of officers, to provide biweekly crime briefings to the Council, and to submit to the Council a Crime Emergency Plan for each police district; to require the Mayor to conduct reviews of certain violations of persons who are on pre-trial release, parole, or probation, and to request that the United States Marshals' Service prioritize pending arrest and fugitive warrants for persons who have committed certain offenses; and to amend the Fiscal Year Budget Support Act of 2006 to require that the Metropolitan Police Department maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006".

TITLE I. AUTHORITY OF THE MAYOR TO ESTABLISH ALTERNATIVE CURFEW HOURS.

Sec. 101. The Juvenile Curfew Act of 1995, effective September 20, 1995 (D. C. Law 11-48; D.C. Official Code § 2-1541 *et seq.*), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Authority of Mayor to establish alternative curfew hours.

Note, § 2-1542

"(a) The Mayor may establish alternative curfew hours as required for public safety purposes by issuance of an executive order and in accordance with this section. Notice of the

alternative curfew hours shall be provided at least 5 days prior to implementation of alternative curfew hours in accordance with subsection (b) of this section, and the alternative curfew hours shall remain in effect for a period of not more than 30 consecutive days. The Mayor may extend the alternative curfew hours for additional 30-day periods by issuance of subsequent executive orders when public safety requires it. The executive order establishing the alternative curfew hours and any subsequent executive orders extending the alternative curfew hours shall specify the alternative curfew hours, the dates of implementation and expiration of the alternative curfew hours, and the public safety reasons for the establishment of the alternative curfew hours. No curfew shall begin earlier than 10:00 p.m. on any given day.

"(b) Notice shall be posted on the District government and Metropolitan Police Department websites, and published in a newspaper of general circulation at least 5 days prior to the implementation of the alternative curfew hours. The Mayor shall also provide written notice of the alternative curfew hours to the Council and to Advisory Neighborhood Commissions at least 5 days prior to the implementation of the alternative curfew hours. The notice shall specify the alternative curfew hours, the dates of implementation and expiration of the alternative curfew hours, and the public safety reasons for the establishment of the alternative curfew hours. The Mayor shall publish notice of the alternative curfew hours in the District of Columbia Register.".

TITLE II. MANDATORY DISCLOSURE OF JUVENILE RECORDS.

Part A.

Sec. 201. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended by adding a new paragraph (43) to read as follows: **Note, § 16-2301**

"(43) The term "weapons offense" means any violation of any law, rule, or regulation which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device as these terms are defined in section 7-2501.01.".

(b) Section 16-2331 is amended by adding a new subsection (d-1) to read as follows: **Note, § 16-2331**

"(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent who the Office of the Attorney General has filed a petition against for the following: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) the Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia ("Family Court") pursuant to section 16-2313(b)(3), the Family Court shall, within 48 hours of the decision not to detain the respondent, provide the following case record information to the Chief of the Metropolitan Police Department ("Chief"):

"(A) Respondent's name;

"(B) Last known home address of the respondent;

"(C) Last known address of the respondent's parents, guardians, caretakers, and custodians;

"(D) Address to which the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

"(E) All terms of the placement or conditions of release.

"(2) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, the

Family Court shall provide the following case record information to the Chief for all stay-away orders and post-adjudication probation orders issued for a respondent :

"(A) Respondent's name;

"(B) Last known home address of the respondent;

"(C) Last known address of the respondent's parents, guardians, caretakers, and custodians;

"(D) Address to which the respondent will be placed or released and the name and address of the person into whose custody the respondent will be placed;

"(E) All terms of the placement or conditions of release or probation; and

"(F) All terms or conditions of the stay-away order or probation order.

"(3) The Chief shall utilize information obtained from the Family Court and may only disclose such information to law enforcement persons or law enforcement entities as the Chief determines is necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section and by section 212 of the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, passed on emergency basis on July 19, 2006 (Enrolled version of Bill 16-877).

"(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336.". Note, § 16-2332

(c) Section 16-2332 is amended by adding a new subsection (d-1) to read as follows:

"(d-1)(1) Notwithstanding subsections (b), (c), or (d) of this section, for every respondent in the legal custody of the Department of Youth Rehabilitation Services ("Department") pursuant to section 16-2320(c)(2) who has been adjudicated of: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Director of the Department ("Director") shall provide notice to the Chief of:

"(A) Any assignment, transfer, or placement of a respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, at least 5 business days prior to the assignment, transfer, or placement; and

"(B) Any release of a respondent from any Department facility, or residential or other placement operated by the Department or a contractor or agent, at least 5 business days prior to the release.

"(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or in the legal custody of the Department, the Director shall provide notice to the Chief of:

"(A) Any respondent absconding from a Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding; and

"(B) Any respondent being absent without authorization from a Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within 3 hours of learning that the respondent is absent without authorization.

"(3) Notice issued pursuant to this subsection shall include the following

information, as applicable:

"(A) Respondent's name;

"(B) Last known home address of the respondent;

"(C) Last known address of the respondent's parents, guardians, caretakers, and custodians;

"(D) Address to which the respondent will be assigned, transferred, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility;

"(E) A recent photograph of the respondent; and

"(F) All terms or conditions of the assignment, transfer, placement, or release.

"(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

"(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336.

"(6) The Chief may make additional inquiries to the Director based upon the information disclosed under paragraph (1) of this subsection. The Director shall provide supplemental information to the Chief when requested by the Chief, as necessary to protect public safety or the safety of the respondent.".

Part B.

Sec. 211. Definitions.

For the purposes of this part, the term:

(1) "Reportable offense" means:

(A) A crime of violence; or

(B) Any offense enumerated in section 212(b).

(2) "School population" mean all persons enrolled or legitimately on the premises of the school in which the student is enrolled, or any personnel of the school in which the student is enrolled.

(3) "Student" means a person enrolled in the District of Columbia Public Schools or charter schools.

Sec. 212. Notification of reportable offenses.

(a) If a student has a petition filed against him by the Office of the Attorney General for a reportable offense enumerated in subsection (b) of this section, the law enforcement agency making the arrest shall notify the Superintendent of the District of Columbia Public Schools of the arrest and the charges against the student within 24 hours of the filing of the petition, or as soon as practicable.

(b) Pursuant to subsection (a) of this section, the Metropolitan Police Department shall notify the Superintendent of the District of Columbia Public Schools if a student has a petition filed against him by the Office of the Attorney General for:

(1) The unlawful purchase, possession, or use of a weapon;
(2) Homicide;
(3) Felonious assault and bodily wounding;
(4) Criminal sexual assault;
(5) The manufacture, sale, gift, distribution, or possession of a Schedule I or Schedule II controlled substance;
(6) Manufacture, sale, gift, distribution, or possession of marijuana;
(7) Arson and related crimes; or
(8) Burglary and related offenses.

Sec. 213. Dissemination and maintenance of records of reportable offenses.

(a) Except by court order, upon good cause shown, the arrest information received by the Superintendent regarding the student, pursuant to section 212(a) is confidential and shall:

(1) Not be disclosed by subpoena or otherwise except to the principal of the school in which the student is enrolled and other school personnel necessary to carry out the purposes set forth in this part;

(2) Not be made part of the student's permanent record; and

(3) Remain separate from all other records concerning the student.

(b) The principal of the school in which the student is enrolled shall forward a copy of the report obtained from the Metropolitan Police Department to the student's parent or guardian upon the student's removal from the school population, except in cases where the student is emancipated.

TITLE III. REBUTTABLE PRESUMPTION TO DETAIN ROBBERY AND HANDGUN VIOLATION SUSPECTS.

Note, § 23-1322

Sec. 301. Section 23-1322(c) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "or imitation firearm;" and inserting the phrase "imitation firearm, or other deadly or dangerous weapon;" in its place.

(b) Paragraph (3) is amended by striking the phrase "offense; or" and inserting the word "offense;" in its place.

(c) Paragraph (4) is amended by striking the phrase "federal offense." and inserting the phrase "federal offense;" in its place.

(d) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;

"(6) Committed a robbery in which the victim sustained a physical injury; or

"(7) Committed CPWL, carrying a pistol without a license.".

Note, § 16-2310

Sec. 302. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

"(a-1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child:

"(1) Committed a dangerous crime or a crime of violence, as these crimes are defined in section 23-1331, while armed with or having readily available a pistol, firearm,

imitation firearm, or other deadly or dangerous weapon;

"(2) Committed a dangerous crime or crime of violence, as these terms are defined in section 23-1331, and has previously been adjudicated delinquent for a dangerous crime or crime of violence which was committed while on release pending a fact-finding or disposition hearing for a local, state or federal offense;

"(3) Committed a dangerous crime or crime of violence, as these crimes are defined in section 23-1331, while on release pending a fact-finding or disposition hearing for a local, state, or federal offense;

"(4) Committed 2 or more dangerous crimes or crimes of violence, as these crimes are defined in section 23-1331, in separate incidents that are joined in the case before the judicial officer;

"(5) Committed a robbery in which the victim sustained a physical injury; or

"(6) Committed CPWL, carrying a pistol without a license.". Note, § 16-1331

Sec. 303. Section 23-1331 of the District of Columbia Official Code is amended by adding a new paragraph (6) to read as follows:

"(6) The term "physical injury" means bodily harm greater than transient pain or minor temporary marks.".

TITLE IV. USE OF CLOSED CIRCUIT TELEVISION TO COMBAT CRIME. DCMR

Part A.

Sec. 401. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 2500.1 is amended by striking the phrase "within the Synchronized Operations Command Complex (SOCC)".

(b) Section 2500.2 is amended by striking the phrase "and (2) to coordinate traffic control on an as needed basis" and inserting the phrase "(2) to coordinate traffic control on an as needed basis; and (3) to combat crime as authorized by § 2508." in its place.

(c) Section 2501.10 is repealed.

(d) Section 2502.1 is amended to read as follows:

"2502.1 The Chief of Police shall provide public notification prior to the deployment of any additional permanent cameras, except:

"(a) Under exigent circumstances; or

"(b) When cameras are deployed pursuant to a court order.".

(e) Section 2504.2 is amended by striking the phrase "SOCC personnel will enter activation information, including the disposition of any observed incidents, into the running resume of the daily SOCC report, including" and inserting the phrase "MPD personnel will record activation information, including the disposition of any observed incidents," in its place.

(f) Section 2504.3 is amended to read as follows:

"2504.3 An official at the rank of Sergeant or above shall be present and shall supervise and monitor CCTV activities wherever they may occur."

(g) Section 2505.4 is amended by striking the phrase "of the SOCC.".

(h) Section 2505.11 is amended by striking the phrase "SOCC staff shall maintain a video catalog" and inserting the phrase "MPD personnel shall maintain a video catalog" in its place.

(i) A new section 2508 is added to read as follows:

"2508 USE OF CCTV TO COMBAT CRIME

"2508.1 The Chief of Police is authorized to use the CCTV system for the purpose of preventing, detecting, deterring, and investigating crime in neighborhoods in the District of Columbia.

"2508.2 The Chief of Police shall, at a minimum, consider the following factors prior to using the CCTV system to combat crime:

"(a) The number and type of calls for service in the proposed CCTV camera location;

"(b) Any crimes that were committed in the proposed CCTV camera location; and

"(c) A request or recommendation made by the Advisory Neighborhood Commission (ANC), or a civic or citizen association; and

"(d) Any other objectively verifiable information from which the Chief of Police may ascertain whether the health, safety, or property of residents who live in the proposed CCTV location are endangered by crime or other illegal activity.

"2508.3 The Chief of Police shall have the final authority to decide where to place a CCTV camera or CCTV cameras for crime fighting purposes, although the Chief of Police shall be required to give consideration to locating cameras within public housing developments in Hot Spot Areas.

"2508.4 When CCTV is used to combat crime, recordings may be passively monitored, meaning that the video feeds may not be monitored in real time, and recordings may be viewed by MPD personnel where there is reason to believe that the viewing may help solve a crime.

"2508.5 The Chief of Police shall consult with the relevant Councilmember and the relevant ANC Commissioner prior to deploying CCTV cameras to combat crime. An ANC, or a civic or citizen association, upon determination of need, may submit a request to the Chief of Police that a CCTV camera be placed in its neighborhood.

"2508.6 Within one year of initiating the use of CCTV to combat crime, the Chief of Police shall report to the Mayor and to the Council on the system's effectiveness at preventing, detecting, or solving crime. The report shall also evaluate whether the presence of cameras served to displace criminal activity.".

(j) Section 2599.1 is amended to read as follows:

"2599 DEFINITIONS

"2599.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

"ANC – Advisory Neighborhood Commision.

"Chief of Police – The Chief of Police or his or her designee.

"Closed Circuit Television – Any live video link that is electronically received into any MPD property.

"Demonstration – A temporary presentation of the capacity of the CCTV system to visitors of the MPD.

"Exigent Circumstances – Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia; provided, that the cameras have no greater scope or capabilities than reasonably necessary to achieve a legitimate law enforcement purpose.

"External Video Feeds – Any video link received by MPD on a live basis from a source other than MPD.

"Public Entities – District of Columbia, state, or federal agencies.

"Public Notice or Notification– Notice that includes at a minimum, but is not limited to, publication in the *D.C. Register*, posting on the MPD website, written notice to the relevant Councilmember, written notice to the relevant ANC Commissioner, and issuance of a press

release.".

Part B.

Sec. 411. Exemption from procurement practices.

Contracts necessary to implement the use of the Closed Circuit Television system by the Metropolitan Police Department, including contracts for cameras, site assessment, monitoring devices, labor, and installation, shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*). Such contracts shall be subject to section 451 of the District of Columbia Home Rule Act, approved December 23, 1974 (87 Stat. 803; D.C. Official Code § 1-204.51).

TITLE V. ACCOUNTABILITY OF THE METROPOLITAN POLICE DEPARTMENT.

Sec. 501. Accountability of the Metropolitan Police Department.

(a) The Mayor shall make available to the Council, as of the last day of each month and on a confidential basis, without the names of individuals, all adverse personnel actions and rationale for the adverse personnel action taken against members of the Metropolitan Police Department ("MPD").

(b) The Mayor shall designate one employee in each of the 7 MPD police districts with the sole responsibility of making patrol schedules and granting leave.

(c) The Mayor shall make available to the Council, on a monthly basis, performance reviews of all MPD Lieutenants.

(d) The Mayor shall make available to the Council, on a monthly basis, individual productivity reports on each police officer, including the following activities:

(1) On-duty court time;
(2) Detail time;
(3) Felony arrests;
(4) Misdemeanor arrests;
(5) Traffic arrests;
(6) Police reports;
(7) Motor carriers in motorcades;
(8) Curfew violations;
(9) Traffic stops;
(10) Guns recovered (make and model);
(11) Stolen automobiles;
(12) Drugs seized (number and type);
(13) Radio runs; and
(14) Business checks.

(e) The Mayor, or his designee, shall provide biweekly crime briefings to the Council. These briefings shall include the Chief of Police, or his designee.

(f) The Mayor shall submit to the Council the Crime Emergency Plan for each police district by the effective date of this act.

TITLE VI. REVIEW OF PRE-TRIAL RELEASE, PAROLE, AND PROBATION VIOLATIONS; PRIORITIZATION OF ARREST AND FUGITIVE WARRANTS.

Sec. 601. 30-day review of pre-trial release, parole, and probation violations.

(a) The Mayor shall conduct a 30-day review of any violations of conditions of release by any person on pre-trial release for the following offenses:

(1) Armed robbery; and
(2) Robbery with force and violence.

(b) The Mayor shall conduct a 30-day review of any violations of any person on parole or probation for the following offenses:
(1) Murder in the first degree;
(2) Murder in the second degree;
(3) Armed robbery;
(4) Robbery with force and violence;
(5) First degree sexual abuse;
(6) Assaults with a deadly or dangerous weapon; and
(7) Any crime of violence as defined in section 1 of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501(f)), and D.C. Official Code § 23-1331(4).

(c) Within 90 days of the effective date of this act, the Mayor shall submit a report to the Council on the reviews conducted pursuant to subsections (a) and (b) of this section.

Sec. 602. Prioritization of pending warrants.

The Mayor shall request that the United States Marshals' Service for the District of Columbia prioritize pending arrest and fugitive warrants to correspond directly to the offense listed in section 601.

TITLE VII. BUDGET SUPPORT ACT AMENDMENT.

Sec. 701. Section 2055(14)(A) of the Fiscal Year Budget Support Act of 2006, passed on 2nd reading on July 11, 2006 (Enrolled version of Bill 16-679), is amended by striking the phrase "The Metropolitan Police Department maintain equivalent staffing levels as existed on June 11, 2006 in each of the 7 police districts;" and inserting the phrase "The Metropolitan Police Department maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006;" in its place.

TITLE VIII. FISCAL IMPACT.

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

TITLE IX. EFFECTIVE DATE.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

AUG 1 1 2006

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

APPROVED
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

To authorize, on an emergency basis, the increase of fiscal year 2006 appropriation authority for expenditures supported by Other-Type revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "July Local Supplemental Other Type Appropriations Approval Emergency Act of 2006".

Sec. 2. Pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (P. L.109-115; 119 Stat. 2520), the District provides the details of an increase in the amount of $19.23 million to the District's fiscal year 2006 Other-Type fund appropriations based upon a certified increase in Other-Type revenues to be allocated as follows:

(1) An increase of $11 million in Other-Type authority for the District of Columbia Lottery, to cover the cost of higher than anticipated prize payouts and elevated gaming fees including contractor fees, and agents' commissions;

(2) An increase of $8 million in Other-Type authority for the Department of Health, to correct the oversight of inadvertently failing to add to the fiscal year 2006 budget the Other-Type authority necessary for expenditures supported by the health care provider tax; and

(3) An increase of $230,000 for the Department of Human Services, to cover higher than anticipated maintenance costs at the D.C. Village.

Sec. 3. Fiscal impact statement.

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

(b) The Chief Financial Officer has certified that the collection of Other-Type revenues is sufficient to implement the provisions of this act.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

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Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia

APPROVED
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the Metro Bus Funding Requirement Act of 2004 to allow the Washington Metropolitan Transit Authority to purchase compressed natural gas vehicles or vehicles that meet or exceed current compressed natural gas standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metro Bus Funding Requirement Emergency Amendment Act of 2006".

Sec. 2. Sections 7062 and 7063 of the Metro Bus Funding Requirement Act of 2004, effective August 2, 2004 (D.C. Law 15-205; 51 DCR 8441), are amended to read as follows:

"Sec. 7062.

Note, § 9-1111.08

"It is the position of the District of Columbia Government that the Washington Metropolitan Area Transit Authority shall procure Compressed Natural Gas ("CNG") transit buses or other buses that are technically efficient and environmentally friendly and comparable to or better than CNG vehicles.

"Sec. 7063.

Note, § 9-1111.08

"Beginning in fiscal year 2007, the Mayor shall submit a budget for the Washington Metropolitan Area Transit Authority to the Council of the District of Columbia that authorizes the purchase of CNG buses or buses that are technically efficient and environmentally friendly with emissions that are comparable to or better than CNG vehicles.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 21, 2006

AUG 1 1 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-449

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

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To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation real property owned by the Far Southeast Community Organization, located on lots 73, 74, and 75, square 5753 that is to be used for inclusive housing, and to provide equitable real property tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Congressional Review Emergency Act of 2006".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47- 1073. Far Southeast Community Organization; lots 73, 74, and 75, square 5743.".

(b) A new section 47-1073 is added to read as follows:

Note, § 47-1073

§ 47-1073. Far Southeast Community Organization; lots 73, 74, and 75 in square 5743.

"(a) For the purposes of this section, the term "inclusive housing" means a housing development in which units are rented to occupying households with not more than 80% of area median income (adjusted for household size) for a rent not exceeding 30% of household income as such amounts are determined by the United States Department of Housing and Urban Development.

"(b) The real property located at lots 73, 74, and 75, square 5753, shall be exempt from taxation so long as the property is owned by Far Southeast Community Organization and the property is used for inclusive housing. If the real property is sold or is not used for the purpose of inclusive housing, the exemption shall terminate as of the beginning of the year in which the sale or non-compliant use occurred.".

Sec. 3. Forgiveness of taxes; redemption of real property.

The Council orders that all unpaid real property taxes, interest, penalties, fees and other related charges assessed against real property located at lots 73, 74, and 75, square 5753 shall be forgiven, and the amount necessary to redeem the real property under § 47-1316 shall be deposited with the Chief Financial Officer on behalf of Far Southeast Community Organization.

Sec. 4. The fiscal effect of this act shall be subject to inclusion in an approved budget and financial plan.

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Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Temporary Act of 2006, signed by the Mayor on June 26, 2006 (D.C. Act 16-398; 53 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning August 17, 2006, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

APPROVED
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to include limited grant-making authority among the duties and powers of the Director of the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Grant-making Emergency Amendment Act of 2006".

Note, § 4-1303.03

Sec. 2. Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended by adding a new paragraph (3A) to read as follows:

"(3A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services;".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

To amend, on an emergency basis, the District of Columbia Noise Control Act of 1977 and the District of Columbia Construction Codes Supplement of 1999 to exempt the Georgetown bridge repairs, known as the Wisconsin Avenue Bridge Project, from the maximum noise level restrictions and from the limitations on after-hours work.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this may be cited as the "Wisconsin Avenue Bridge Project and Noise Control Emergency Amendment Act of 2006".

Sec. 2. The District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2700 et seq.), is amended as follows: DCMR

(a) Section 3 (20 DCMR § 2799.1) is amended by adding a new subsection (f-2) to read as follows:

"(f-2) Wisconsin Avenue Bridge Project - The project being undertaken by the District of Columbia government to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and bridge deck at the Wisconsin Avenue Bridge located over the historic C&O Canal within the Georgetown Business District (which is geographically defined as the bridge span located over the historic C&O Canal between Grace Street and M Street, N.W.), which project will commence in June 2006 and is scheduled to be completed no later than December 31, 2007; provided that work on the project shall terminate no later than 10 p.m. on days conducted.

(b) Section 5 (20 DCMR §§ 2800 through 2807) is amended by adding a new subsection (g) to read as follows:

"(g) Notwithstanding any other provision of this act, noise emanating from construction equipment and any activities related to the Wisconsin Avenue Bridge Project shall be exempt until 10 p.m. from any noise limitations contained in this act, including section 5(a), (b), (d)(2), and (e)(2), and shall not be subject to enforcement under any provision of this act.".

Sec. 3. Section 107 of the District of Columbia Construction Codes Supplement of 1999 (12A DCMR § 107) adopted pursuant to section 10 of the Construction Codes Approval and DCMR

ENROLLED ORIGINAL

Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), is amended by adding a new subsection 107.2.8.2 to read as follows:

"107.2.8.3 Wisconsin Avenue Bridge Project: The limitations on the issuance of after-hours permits set forth in section 107.2.8.1 shall not apply to after-hours work related to the Wisconsin Avenue Bridge Project. For the purpose of this section, the "Wisconsin Avenue Bridge Project" means the project being undertaken by the District of Columbia government to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and the bridge deck at the Wisconsin Avenue Bridge located over the historic C&O Canal within the Georgetown Business District (which is geographically defined as the bridge span located over the historic C&O Canal between Grace Street and M Street, N.W.), which project will commence in June 2006 and is scheduled to be completed no later than December 31, 2007.".

Sec. 4. Fiscal impact statement.

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

Sec.5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto),and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia

APPROVED
July 21, 2006

AUG 1 1 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to exempt procurements of natural gas and electricity from certain requirements of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement of Natural Gas and Electricity Exemption Temporary Amendment Act of 2006".

Sec. 2. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (r) to read as follows:

Note, § 2-303.20

"(r) Except for section 105a, procurements for natural gas and electricity shall be exempt from all provisions of this act.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED
July 18, 2006

AUG 1 1 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend the Litter Control Administration Act of 1985 to provide that sections 2407.12 and 2407.13 of the District of Columbia Municipal Regulations shall be subject to civil enforcement; Title 47 of the District of Columbia Official Code to repeal a sightseeing bus license tax; the District of Columbia Motor Vehicle Parking Facility Act of 1942 to eliminate the Motor Vehicle Parking Agency and its authority over municipal off-street parking facilities; and Title18 of the District of Columbia Municipal Regulations to restore reciprocal parking privileges to persons with disability parking tags or placards issued by other jurisdictions, to authorize the establishment of payment and time limitations at such reserved spaces, to provide that such time restrictions be twice the time established for the nearest non-reserved parking space, to provide for a study concerning the number, placement, and accessibility of such spaces and meters, to require that persons with disability parking tags or placards comply with the payment and time at all parking spaces once the reserved spaces are established in accordance with the study, to authorize the Director of the District Department of Transportation to grant applications to prohibit or reserve parking, to establish fees for such prohibitions or reservations, to establish violations for prohibited acts associated therewith, and to grant the Director the exclusive authority to design signs controlling temporary reserved and emergency parking on public space.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Amendment Act of 2006".

Sec. 2. Section 3 (a)(1) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-802(a)(1)), is amended by adding the phrase "§§ 2407.12 and 2407.13 of 18 DCMR" after the phrase "and a number of rules recorded in". **Amend § 8-802**

Sec. 3. Section 47-2892(c) of the District of Columbia Official Code is repealed. **Amend § 47-2892**

Sec. 4. The District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 90; D.C. Official Code § 50-2601 *et seq.*), is amended as follows:

(a) Section 2(3) D.C. Official Code § 50-2602(3)) is repealed. **Amend § 50-2602**

(b) Section 3 (D.C. Official Code § 50-2603) is amended as follows: **Amend § 50-2603**

(1) In the introductory language, strike the phrase "as to which the agency shall have made a determination that public parking facilities are necessary or expedient".

(2) Subsection (b) is amended by striking the phrase "acquired; provided, that in each case the agency shall have made a determination that parking facilities thereon are necessary or expedient."and inserting the phrase "acquired." in its place.

(3) Subsection (c) is amended by striking the phrase "Columbia; provided further, that the agency shall have first determined such property to be no longer necessary for the purposes of this Act;"and inserting the phrase "Columbia;" in its place.

(c) Section 4 (D.C. Official Code § 50-2604) is repealed. **Repeal § 50-2604**

(d) Section 6 (D.C. Official Code § 50-2606) is amended by striking the phrase "or the Agency". **Amend § 50-2606**

(e) Section 7 (D.C. Official Code § 50-2607) is amended to read as follows: **Amend § 50-2607**

"All moneys derived from the sale or assignment of any property, real or personal, shall be deposited in the Local Roads Construction and Maintenance Fund as established by the Highway Trust Fund Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a).".

(f) Section 8 (D.C. Official Code § 50-2608) is amended to read as follows: **Amend § 50-2608**

"The Mayor shall include in his annual budget such amounts as may be required from the highway fund established in D.C. Official Code § 47-2301 for the purpose of carrying out the provisions of this act.".

(g) Section 10 (D.C. Official Code § 50-2609) is repealed. **Repeal § 50-2609**

(h) A new section 12 is added to read as follows:

"Sec. 12. Rulemaking; Council review for 18 DCMR § 2407.

"(a) The Mayor is authorized to make fee increases and to promulgate rules necessary to implement section 2407 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2407), entitled Temporary and Emergency Parking Restrictions.

"(b) Any proposed fee increases, rules, or regulations shall be submitted by the Mayor to the Council in a proposed resolution for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within this 45-day period, the proposed resolution shall be deemed approved.".

Sec. 5. Title 18 of the District of Columbia Regulations is amended as follows: **DCMR**

(a) Chapter 24 is amended as follows:

(1) Subsection 2406.9 is amended by adding new paragraphs (e) and (f) to read

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as follows:

"(e) The Director may establish reasonable payment and time limitations for parking in the spaces established pursuant to this subsection; provided, that any time restrictions established allow twice the period of parking time permitted at the nearest non-reserved, time-limited parking space.

"(f) No later than 10 days after the effective date of the Parking Amendment Act of 2006, passed on 2nd reading on July 11, 2006 (Enrolled version of Bill 16-536), the Director of the District Department of Transportation shall commence a study to determine the appropriate locations of the reserved parking spaces authorized by this subsection. The study shall also address the accessibility of parking meters for persons with disabilities and identify any alternative means by which meter payment requirements can be met.".

(2) Subsections 2407.9, 2407.10, 2407.10, and 2407.11 are repealed.

(3) Add new subsections 2407.13 through 2407.27 to read as follows:

"2407.13. Notwithstanding § 2407.1, the Director is authorized to grant applications to reserve no more than four (4) parking spaces for no more than sixteen (16) hours at or near the entrance of a building where a wedding or funeral is being held. For purposes of this section, a parking space is twenty-two (22) feet long.

"2407.14. Notwithstanding § 2407.2, the Director is authorized to grant applications to prohibit parking at or near construction sites and other places necessary to protect the health or safety of the public.

"2407.15. If the Director grants an application pursuant to § 2407.4, 2407.5, 2407.13 or 2407.14, the applicant may be issued the applicable parking prohibition or reservation signs upon payment of the fee established in §2407.20. If the application is accepted and the fee paid, the Director shall issue a permit indicating the number of signs allowed and the time by which the signs must be removed. However, nothing in this section grants authority for permit holders to park in areas with posted parking restrictions that prohibit parking or to park in areas from 12 midnight to 5 a.m. The Director may, in his discretion, waive the restrictions associated with prohibited or reserved parking signs in this section.

"2407.16. Any permit holder who fails to remove a sign after the expiration time stated on the permit shall be subject to a civil fine for each additional day the sign is not removed equal to $25 per day, per sign, plus the Department's costs of removing the unlawful sign.

"2407.17. No person, other than a permit holder or the representative of a permit holder or contractor of an authorized agency of the District of Columbia may install or remove a sign on public space that prohibits or reserves parking. Any person violating this subsection shall be subject to a civil fine of $100 per day for each day that an unauthorized sign remains installed or removed during its authorized posting period plus the Department's costs of removing the unlawful sign or reissuing an authorized sign.

"2407.18. No person may vandalize or deface a sign in public space that prohibits or reserves parking. Any person violating this subsection shall be subject to a civil fine of $100 for the 1st violation, $200 for the 2nd violation, and $400 for the 3rd and subsequent violations.

"2407.19. The Department may remove any sign installed or remaining on public space in violation of §§ 2407.16 and 2407.17, which violation shall be enforced and adjudicated pursuant to the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*)

"2407.20. The fee to reserve parking pursuant to § 2407.13 or to prohibit parking pursuant to § 2407.14 shall be equal to the number of hours in which parking is to be reserved or prohibited multiplied by the number of spaces reserved and further multiplied by the hourly metered rate set forth in § 2404 applicable to the spaces. If signs are to be displayed on a non-metered street, the rate for the signs shall be the same as that of the lowest meter rate assessed in the District as set forth in § 2404.

"2407.21. The fee to be paid pursuant to § 2407.20 shall be increased as follows:

"(a) The fee to reserve parking spaces pursuant to § 2407.13 shall be increased by fifteen percent (15%) if the applicant requests to reserve parking for more than eight (8) and less than sixteen (16) hours; and

"(b) The fee to prohibit parking pursuant to § 2407.14 shall be increased if the applicant requests to prohibit parking for more than eight (8) months as follows:

Additional months	Increase
9 to 14	25%
15 to 20	50%
Each additional 6 months	an additional 25%

"2407.22. The Director may, by rulemaking, increase the fees to cover the costs of producing and issuing the signs and of enforcing the provisions of this section in accordance with section 6 of the Parking Amendment Act of 2006, passed on 2nd reading on July 11, 2006 (Enrolled version of Bill 16-536).

"2407.23. Whenever a sign is erected indicating that parking is prohibited or reserved under this section, it shall be unlawful to park any unauthorized vehicle in violation of the parking restrictions stated on the sign.

"2407.24. A Sign prohibiting or reserving parking shall be erected at least 24 hours in advance in a non-residentially zoned area. If a sign is erected in a residentially zoned area, the sign prohibiting or reserving parking shall be erected at least 72 hours in advance. The Director for extraordinary circumstances shown may waive this required advance notice for good cause.

"2407.25. Signs prohibiting or reserving parking shall be consistent with the design approved by the Director and shall display the following:

"(a) Sign number;

"(b) Name of the issuing agency;

"(c) Contact name and telephone number;

"(d) Duration of the parking reservation or prohibition;

"(e) Hours of the parking reservation or prohibition;

"(f) Specific person or entity permitted to park in the location, if applicable; and

"(g) Such other information as is required by the Director.

"2407.26 Whenever a special events parking permit sticker has been issued to allow parking in a specified restricted area or on a specified restricted street or portion of that street, to be valid the permit shall be affixed by its own adhesive to the lower left (driver's) side of the windshield so that it is clearly visible through the windshield of the vehicle. Expired permits shall not be left visible on a vehicle.

"2407.27 Whenever a special events parking permit placard has been issued to allow parking in a specified restricted area or on a specified restricted street or portion thereof, the placard must be displayed on the left side of the dashboard of the vehicle so that it is clearly visible from the outside of the vehicle.".

(4) Section 2408 is amended as follows:

(A) Subsection 2408.1 is amended to read as follows:

"2408.1 Whenever any District Agency authorized to prohibit or reserve parking on a temporary or emergency basis does so, a record shall be made by entering the information required in § 2407.21 into a record-keeping system that shall be created and maintained by the Department.".

(B) Subsection 2408.2 is repealed.

(b) Chapter 27 is amended as follows:

(1) Sections 2704.3 and 2704.4 are amended to read as follows:

"2704.3 Except as provided in §2704.4, a vehicle displaying a special license tag or special parking permit for the physically disabled, whether issued by the District or any other jurisdiction, shall be subject to any time limitation or meter payment requirement established for any space in which the vehicle is parked, as indicated on the sign or meter denoting the space.

"2704.4 Until such time as the study described in §2406.9(f) is completed and the Director of the District Department of Transportation has established reserved parking spaces in accordance with the conclusions reached by the Director in the study, individuals issued special license tags for persons with a physical disability, regardless of which state, territory, or possession of the United States issued the license tags and individuals issued special parking permits persons with a physical disability by the District may park a motor vehicle without cost for double the posted time period in parking zones that are restricted as to the length of time parking is permitted, provided that:

"(a) The vehicle may not park in those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles; and

"(b) The person with the disability is present in the motor vehicle displaying special license tags, either when that motor vehicle is driven into or when it is driven out of the parking space.".

(2) Subsection 2704.5 is repealed.

(3) Subsection 2717.1 is amended to read as follows:

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"2717.1 Any driver holding a valid special parking permit for a person with a physical disability or any driver issued a special license tag for a person with a physical disability, issued by any state, territory, or possession of the United States shall be granted the special parking privilege established by sections §2406.9 or 2704.4; provided, that the respective jurisdiction extends special parking privileges to residents of the District of Columbia who have been issued special parking permits or special licenses tags under this chapter.".

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Linda W. Cropp

Chairman
Council of the District of Columbia

Anthony A. Williams

Mayor
District of Columbia
APPROVED
July 21, 2006

AUG 11 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

Codification District of Columbia Official Code

2001 Edition

2006 Fall Supp.

West Group Publisher

To amend section 47-2853.12(a)(2) of the District of Columbia Official Code to reduce the minimum age required to apply for a barber or cosmetologist license from 18 years to17 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Barber and Cosmetologist License Act of 2006".

Amend § 47-2853.12

Sec. 2. Section 47-2853.12(a)(2) of the District of Columbia Official Code is amended by striking the phrase "age;" and inserting the phrase "age, or at least 17 years of age if applying for license as a barber under § 47-2853.72 or as a cosmetologist, a cosmetologist-manager, a cosmetologist-owner, or any subcategory of specialty cosmetologist under § 47-2853.82;".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 21, 2006