

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Acting Director of the Department of Health, pursuant to the authority set forth in section 7 of the AIDS Health-Care Response Act of 1986, effective June 10, 1986 (D.C. Law 6-121; D.C. Official Code § 7-1606), 42 U.S.C.S. § 300ff-22, and Mayor's Order 2000-55, dated April 12, 2000, hereby gives notice that he took final action to adopt the following amendment to Chapter 20 of Title 29 of the District of Columbia Municipal Regulations on June 3, 2008. A Notice of Proposed Rulemaking was published April 18, 2008, at 55 DCR 4389. No comments were received in response to this notice, and no changes have been made to the rule since publication. This rulemaking will become effective upon publication of this notice in the *D.C. Register*.

This rule will increase the amount of an applicant's maximum liquid assets for participation in the AIDS Drug Assistance Program.

Section 2003.1 of Chapter 20 of Title 29 (Public Welfare) (May 1987) of the District of Columbia Municipal Regulations is amended to read as follows:

2003.1 An applicant's liquid assets shall not exceed twenty-five thousand dollars (\$25,000) at the time of application for assistance.

METROPOLITAN POLICE DEPARTMENT**NOTICE OF FINAL RULEMAKING**

The Chief of Police, pursuant to section 114 of the First Amendment Assemblies Act of 2004 (Act), effective April 13, 2005 (D.C. Law 15-352, D.C. Official Code § 5-331.14 (2007 Supp.)), hereby gives notice of the adoption of the following rules governing the issuance of police passes for media personnel. Comments were received after publication of proposed rules in 53 DCR 1568 (March 3, 2006). The proposed rules were republished in 54 DCR 2543 (March 23, 2007). Comments were again received and where appropriate were accepted resulting in some modification of the proposed rules. The proposed rules were again published in 55 DCR 1103 (February 1, 2008). No comments were received.

The Chief of Police also gives notice that the final rules shall become effective upon publication in the *D.C. Register*.

Title 24 DCMR, Chapter 21 (Police Press Passes) is amended as follows:

2102 POLICE PRESS PASSES

2102.1 The Metropolitan Police Department shall issue all press passes or credentials without regard to the content of the news coverage. Press passes shall be issued as expeditiously as possible.

2103 APPLICATION PROCEDURES

2103.1 The Chief of the Metropolitan Police Department is authorized to issue press passes to bona fide media representatives of print, electronic or online, university or college, television, radio, and newsreel media who gather information or pictures for distribution or broadcast to the public as news. Media representatives include self-employed or freelance writers / journalists who regularly gather news.

2103.2 Press passes shall be issued in a form approved by the Chief of Police or his or her designee and shall be valid for two years. Holders of expired press passes shall surrender them upon issuance of new passes. The Chief of Police or his or her designee may withhold the issuance of a press pass to any person convicted of a felony, a crime of violence as defined in D.C. Official Code § 23-1331 (4), or a crime of moral turpitude, if such withholding is based on a reasonable belief the person would be disruptive or will use the press pass for an unlawful purpose. The Chief of Police or his or her designee shall inform the applicant in writing of the basis for any denial of a press pass. An applicant may appeal the denial of the issuance of a press pass to the Chief of Police.

- 2103.3 An application for a police press pass shall include a statement that the holder of a press pass:
- (a) assumes all risks incident to the use of the pass;
 - (b) will obey all lawful orders and directions of any member of the Metropolitan Police Department; and
 - (c) will comport himself or herself in a manner that does not interfere with, hinder, or obstruct any authorized person engaged in preserving the peace, maintaining order, and protecting life and property.
- Nothing in this section shall constitute a waiver or release of any claim the holder of a press pass may have for harm or injury intentionally or negligently caused to such person. Any conflicts or disagreements with such orders or directions shall be resolved through consultation with the Metropolitan Police Department's Director of the Office of Public Information or his or her designee.
- 2103.4 A person displaying a valid press pass shall not be arrested or taken into custody at the scene of a First Amendment assembly or other news event in the absence of probable cause for the arrest. A person displaying a valid press pass shall not be arrested merely because he or she is in an area where other people have committed criminal acts or are being arrested.
- 2103.5 A press pass issued pursuant to this section automatically expires upon the holder's termination of employment or occupation as a media representative. Upon such expiration, the holder shall immediately surrender the pass to the Metropolitan Police Department Office of Public Information or to his or her employer, who shall forward the press pass to the Office of Public Information.
- 2103.6 Press passes shall not be transferable.
- 2103.7 Pursuant to this section, the Chief of Police, upon a showing of good cause, shall have the authority to limit the total number of press passes issued to media representatives and organizations for an event.

2104 GENERAL PROVISIONS

- 2104.1 A media representative displaying a press pass is authorized to enter designated areas, set aside by members of the Metropolitan Police Department, for the purpose of gathering, photographing or reporting news events. The holder of a press pass is not required to remain in any such designated area and may not be restricted from any area open to the general public or any area open to participants in a First Amendment assembly.

- 2104.2 The holder of a press pass is authorized to cross a police or fire line, unless, in the judgment of a Metropolitan Police Department officer or official, to do so would interfere with the management of a police or fire scene or would endanger the public safety.
- 2104.3 Possession of a press pass does not authorize the holder to enter a private building or private property that may be located within a police or fire line.
- 2104.4 MPD officers shall allow media representatives reasonable access to all areas where a First Amendment assembly is occurring. At a minimum, officers shall allow media representatives no less access than that enjoyed by members of the general public. Unless inconsistent with public safety considerations, officers shall allow media representatives access to areas closed to the general public in order to assist their ability to report on such an event. Officers shall also make reasonable accommodations to allow media representatives effectively to use photographic, video, or other equipment relating to their reporting of a First Amendment assembly.
- 2104.5 The Chief of Police or his or her designee shall accept or honor a press pass issued to a media representative by a local, state or federal governmental body within or outside the District of Columbia. The holder of such a press pass shall enjoy the same rights and privileges as if the pass were issued directly by the Chief of Police.
- 2104.6 It is the policy of the Metropolitan Police Department that media representatives shall have maximum access to First Amendment assemblies, fires, crime scenes, weather-related events, accidents and other news events, consistent with maintaining public safety and the management of a police or fire scene.
- 2104.7 The commanding officer at the scene of a First Amendment assembly or other news event, in consultation with the Director of the Office of Public Information, shall ensure that the policy set forth in subsection 2104.6 and the applicable provisions of these regulations are carried out.
- 2104.8 Press passes and credentials shall be plainly exposed to view whenever the persons to whom they are issued are using them.
- 2104.9 The Chief of Police shall appoint an advisory committee composed of representatives of the media, universities and colleges, which may make recommendations concerning the implementation of these rules.