ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2009 Fall Supp.

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AN ACT

D.C. ACT 18-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 4, 2009

To establish, on an emergency basis, the authority to organize a District of Columbia National Guard Morale, Welfare, and Recreation Association, to authorize the establishment of military corporations within the District of Columbia National Guard to raise funds and provide services for unit support or charitable purposes, to authorize the establishment of, and provide requirements for the operation of, unit and company funds, and to permit the District of Columbia National Guard to accept and expend donations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Morale Welfare and Recreation Emergency Act of 2009".

Sec. 2. District of Columbia National Guard Morale, Welfare, and Recreation Association.

(a) All commissioned officers, warrant officers, and enlisted personnel of the District of Columbia National Guard, including retired personnel, may organize themselves into an association, the name of which shall be the District of Columbia National Guard Morale, Welfare, and Recreation Association ("MWRA"). The purpose of the MWRA shall be to enhance the morale and welfare of District of Columbia National Guard members and their families. The MWRA may adopt, alter, and amend bylaws not otherwise inconsistent with District law. Participation in the MWRA shall be voluntary.

(b) To facilitate its purpose, the MWRA may accept donations of money, property, or services from any lawful source to improve the capabilities of the District of Columbia National Guard or otherwise support members and their families.

(c) The District may appropriate funds, donate any other valuable thing, or grant or lease any land belonging to the District to aid, or further the purpose of, the MWRA.

(d) The money so appropriated, other valuable thing donated, or the land so granted or leased to the MWRA shall be, so far as practicable, expended or disposed of by the District of Columbia National Guard in such manner and under such lawful conditions as the donor may direct.

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Sec. 3. Military corporations; establishment, membership, purpose, and powers.

(a) The officers, the enlisted personnel, or the officers and enlisted personnel of an organization or unit of the District of Columbia National Guard ("DCNG"), may organize themselves into a military corporation for social purposes and for the purpose of holding, acquiring, and disposing of those funds, goods, or property as such military organizations may possess or acquire. The military corporation shall not engage in business and shall not be required to pay any filing or license fee to the District. A military corporation may include:

(1) Enlisted, officer, or all-ranks clubs;

(2) Family support groups;

(3) Auxiliary organizations;

(4) Service branch organizations; and

(5) Battalion, brigade, company or unit fund organizations; and

(6) Other such organizations that provide support to personnel and their families.

(b) A military corporation may raise funds and provide services, if retained funds are used for unit or company support or for other charitable purposes.

(c) A military corporation may use the District of Columbia National Guard Armory ("Armory") or DCNG facilities if there is no expense to the District government. When any area of the Armory or DCNG facilities is used, the District and the DCNG shall have access to that area as needed or practical, and the use of that area by the military corporation is not exclusive.

(d) Any sale of alcoholic beverages must conform to the limitations of sales under other provisions of District law, except that sales within the unit, and not for profit, do not require licensing by the District.

(e) The Adjutant General and the Mayor shall coordinate and make provisions to standardize applications for incorporation. No incorporation may be made under this article without the approval of the Adjutant General and the District Judge Advocate. All accounts and documents of a military corporation organized under this article must be available for inspection and review by the Adjutant General.

(f) The Commanding General of the DCNG shall have authority to issue rules and regulations regarding the operations and authority to receive donations and make expenditures of military corporations established under this section.

Sec. 4. Unit and company funds.

(a)(1) There is authorized to be created and maintained for each separate unit of the District of Columbia National Guard a unit fund. Expenditures from such unit fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all applicable federal and District laws, rules, and regulations.

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(2) There is authorized to be deposited in each unit fund such moneys as may be received from gifts, bequests, contributions, including federal and District contributions, and such amounts as may be appropriated to such unit funds by the District of Columbia.

(3) The unit commander of each unit is the custodian of the unit fund. The unit commander shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the unit commander's care; and

(B) Submit to the Adjutant General, on June 30th and December 31st of each year, an itemized statement of money received and disbursed during the preceding 6 months.

(b)(1) There is authorized to be created and maintained for each separate company of the District of Columbia National Guard a company fund. Expenditures from such company fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all applicable federal and District laws, rules, and regulations.

(2) There is authorized to be deposited in each company fund such moneys as may be received from gifts, bequests, contributions, including federal and District contributions, and such amounts as may be appropriated to such company fund by the District of Columbia.

(3) The commanding officer of each company is the custodian of the company fund. The commanding officer shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the commanding officer's care; and

(B) Submit to the Adjutant General, on June 30th and December 31st of each year, an itemized statement of money received and disbursed during the preceding 6 months.

Sec. 5. 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. 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, as provided for emergency acts of the Council of the District of Columbia in section

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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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
August 3,2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2009

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To amend, on an emergency basis, the Clean and Affordable Energy Act of 2008 to permit the Sustainable Energy Utility Advisory Board to take official action once 9 members have been sworn in.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sustainable Energy Utility Emergency Amendment Act of 2009".

Sec. 2. Section 203 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.03), is amended by adding a new subsection (h) to read as follows: **Note, § 8-1774.03**

"(h) The Board shall be legally constituted and may take official action when 9 members have been sworn in.".

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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia

August 3, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2009

Codification District of Columbia Official Code

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To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Land Disposition Amendment Act of 2009".

Amend § 10-801

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

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

"(b) The Mayor, to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains the following:

"(1) A finding that the real property is no longer required for public purposes;

"(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

"(3) A description of the real property to be disposed of;

"(4) A description of the intended use for the property ("Project");

"(5) A description of any affordable housing to be provided as part of the Project;

"(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

"(7) A finding that the Developer will enter into a First Source Agreement with the District that shall govern certain obligations of Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job

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creation and employment generated as a result of the construction on the Property;

"(8) The proposed method of disposition, which may be one of the following:

"(A) A public or private sale to the highest bidder;

"(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

"(C) A lease for a period of greater than 20 years;

"(D) A combination sale/leaseback for specifically designated purposes;

"(E) An exchange of interests in real property; or

"(F) A public or private sale to the bidder providing the most benefit to the District; and

"(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section.".

(b) Subsection (b-l) is amended to read as follows:

"(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

"(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

"(A) The chosen method of disposition, and how competition was maximized;

"(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

"(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

"(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

"(A) A description of the major business terms of the transaction;

"(B) A description of the method of disposition;

"(C) A description of the Certified Business Enterprise requirements;

"(D) A description of the green building requirements;

"(E) A description of the schedule of performance; and

"(F) Any other terms that the Mayor finds to be in the best interest of the District.

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"(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

"(4) For any development project where the total value of the government assistance is greater than $10 million, a description of the project funding and financing plan.

"(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional items shall be transmitted to the Council concurrent with the proposed resolution and analysis:

"(i) A Land Disposition Agreement between the District and the selected developer;

"(ii) Any community benefits agreement between the developer and the relevant community, if any; and

"(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.).*

"(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

"(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

"(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection ((b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

"(B) For the purpose of this paragraph, the term:

"(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

"(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution.".

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)).

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia

August 3, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2009

Codification District of Columbia Official Code

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To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Land Disposition Temporary Amendment Act of 2009".

Note, § 10-801

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

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

"(b) The Mayor, to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains the following:

"(1) A finding that the real property is no longer required for public purposes;

"(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

"(3) A description of the real property to be disposed of;

"(4) A description of the intended use for the property ("Project");

"(5) A description of any affordable housing to be provided as part of the Project;

"(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

"(7) A finding that the Developer will enter into a First Source Agreement with the District that shall govern certain obligations of Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code §2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment

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generated as a result of the construction on the Property;

"(8) The proposed method of disposition, which may be one of the following:

"(A) A public or private sale to the highest bidder;

"(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

"(C) A lease for a period of greater than 20 years;

"(D) A combination sale/leaseback for specifically designated purposes;

"(E) An exchange of interests in real property; or

"(F) A public or private sale to the bidder providing the most benefit to the District; and

"(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section.".

(b) Subsection (b-l) is amended to read as follows:

"(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

"(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

"(A) The chosen method of disposition, and how competition was maximized;

"(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

"(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

"(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

"(A) A description of the major business terms of the transaction;

"(B) A description of the method of disposition;

"(C) A description of the Certified Business Enterprise requirements;

"(D) A description of the green building requirements;

"(E) A description of the schedule of performance; and

"(F) Any other terms that the Mayor finds to be in the best interest of the District.

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"(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

"(4) For any development project where the total value of the government assistance is greater than $10 million, a description of the project funding and financing plan.

"(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional documents shall be transmitted to the Council concurrent with the proposed resolution and analysis:

"(i) A Land Disposition Agreement between the District and the selected developer;

"(ii) Any community benefits agreement between the developer and the relevant community, if any; and

"(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.).*

"(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

"(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

"(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection ((b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

"(B) For the purposes of this paragraph, the term:

"(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

"(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution.".

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)).

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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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia

August 3, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 6, 2009

Codification District of Columbia Official Code

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To establish, on an emergency basis, the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; to establish a criminal offense for entering or remaining in a motor vehicle without consent; to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence; to amend the District of Columbia Election Code of 1995 to prohibit the destruction of campaign materials for the period beginning 30 days before and ending 4 days after any election, initiative, referendum, or recall, and to establish a civil infraction as a penalty for violations; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to extend the deadline for completion of criminal code reform to 2012; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification; to amend the District of Columbia Mental Health Information Act of 1978 to clarify the authorization period for a person to release mental health information, to provide for emergency authorization of disclosure, to provide for disclosure of mental health information under certain circumstances to correctional institutions or law enforcement officials, and to authorize the court to order disclosure or redisclosure of mental health information; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to amend section 14-306 of the District of Columbia Official Code to clarify that a spouse or domestic partner shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense or an offense against a child, minor, or vulnerable adult, in civil proceedings involving an offense against the child, minor, or vulnerable adult, in criminal or delinquency proceedings involving joint crimes, and in criminal proceedings involving crimes that occurred prior to the marriage or domestic partnership; to amend section 14-307 of the District of Columbia Official Code to clarify exceptions to the physician-patient privilege in grand jury, criminal, delinquency,

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family, or domestic violence proceedings where the person is targeted or charged with certain crimes; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to establish offenses pertaining to the possession or delivery of contraband into jails and secure juvenile residential facilities; to amend An Act For the suppression of prostitution in the District of Columbia to increase the penalties for repeat offenders; to amend the Omnibus Public Safety Amendment Act of 2006 to extend the effective period for prostitution free zones to 480 consecutive hours; to amend the Anti-Sexual Abuse Act of 1994 to strike the affirmative defense of consent; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to repeal An Act To define and punish vagrancy in the District of Columbia, and for other purposes; to amend the Bias-Related Crime Act of 1989 to add homelessness as a protected class; to amend the DNA Sample Collection Act of 2001 to add all felonies as a qualifying offense for the purposes of DNA collection; 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 specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-110 of the District of Columbia Official Code to allow for dismissal of a motion to strike a sentence if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion; to amend section 23-523 of the District of Columbia Official Code to clarify that daylight hours mean the period from 6:00 a.m. to 9:00 p.m.; to amend section 23-581 of the District of Columbia Official Code to add malicious destruction, voyeurism, unlawful entry of a motor vehicle, and tampering with a detection device as arrests that do not require the officer to obtain a warrant; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial, and to change the standard for detention from a substantial probability to probable cause; to amend section 47-2811 of the

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District of Columbia Official Code to clarify licensing requirements for massage establishments; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to add "cathinone" to the schedule; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to provide additional bases for the Chief of Police to declare a drug free zone upon a finding of a disproportionately high number of arrests for dangerous crimes or crimes of violence within the proposed drug free zone; to amend the Distract Driving Safety Act of 2004 to provide definitions for "use" of a wireless communication device, and for "text" or "texting;" to amend the District of Columbia Traffic Act, 1925 to clarify the previous conviction date for purposes of enhanced penalties, to clarify the blood alcohol content, and to provide that alcohol concentration of 0.05 to 0.08 constitutes prima facie proof that the person was under the influence of intoxicating liquor; to amend the Innocence Protection Act of 2001 to provide that the government must establish material prejudice; to amend An Act To establish a code of law for the District of Columbia to repeal unnecessary provisions pertaining to stalking; to amend section 16-801 of the District of Columbia Official Code to correct an incorrect reference to attempted theft so it properly references attempted identity theft; to amend section 16-909 of the District of Columbia Official Code to clarify the relationship between a donor of semen to a person for artificial insemination and the child thereby conceived; to amend section 16-916.01 of the District of Columbia Official Code to clarify the self-support reserve for a parent with a legal duty to pay child support by aligning this amount with revised poverty guideline figures; to amend the Anti-Sexual Abuse Act of 1994 to provide a defense to sexual abuse for the domestic partner of a ward, patient, or client to mirror the defense that currently exists in the law for a spouse; to prohibit stalking and establish criminal penalties for violations of this prohibition; to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to repeal various provisions requiring security agencies to execute bonds; and to repeal the Crime Bill Emergency Amendment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Emergency Amendment Act of 2009".

TITLE I

Sec. 101. Presence in a motor vehicle containing a firearm.

(a) It is unlawful for a person to be voluntarily in a motor vehicle if that person knows that a firearm is in the vehicle, unless the firearm is being lawfully carried or lawfully transported.

(b) It shall be an affirmative defense to this offense, which the defendant must prove by a preponderance of the evidence, that the defendant, upon learning that a firearm was in the

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vehicle, had the specific intent to immediately leave the vehicle, but did not have a reasonable opportunity under the circumstances to do so.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section shall be fined not more than $5,000, imprisoned for not more than 5 years, or both.

(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of section 4(a) 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 § 22-4504(a)), or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than $10,000, imprisoned for not more than10 years, or both.

(3) No person shall be sentenced consecutively for this offense and any other firearms offense arising out of the same incident. Any conviction under this section and any conviction for carrying or possessing the same firearm on the same occasion shall be considered as one conviction for purposes of any application of repeat offender sentencing provisions.

Sec. 102. Unlawful entry of a motor vehicle.

(a) It is unlawful to enter or be inside of the motor vehicle of another person without the permission of the owner or person lawfully in charge of the motor vehicle. A person who violates this subsection shall, upon conviction, be fined not more than $500, imprisoned for not more than 90 days, or both.

(b) Subsection (a) of this section shall not apply to:

(1) An employee of the District government in connection with his or her official duties;

(2) A tow crane operator who has valid authorization from the District government or from the property owner on whose property the motor vehicle is illegally parked; or

(3) A person with a security interest in the motor vehicle who is legally authorized to seize the motor vehicle.

(c) For the purposes of this section, the term "enter the motor vehicle" means to insert any part of one's body into any part of the motor vehicle, including the passenger compartment, the trunk or cargo area, or the engine compartment.

Sec. 103. Tampering with a detection device.

(a)(1) It is unlawful for a person who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment, to:

(A) Intentionally remove or alter the device, or to intentionally interfere with or mask or attempt to interfere with or mask the operation of the device; or

(B) Intentionally allow any unauthorized person to remove or alter the

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device, or to intentionally interfere with or mask or attempt to interfere with or mask the operation of the device.

(2) For the purposes of this subsection, the term "device" includes a bracelet, anklet, or other equipment with electronic monitoring capability or global positioning system technology.

(b) Whoever violates this section shall be fined not more than $1,000, imprisoned for not more than180 days, or both.

Sec. 104. Establishment of a gang and crew intervention joint working group.

(a) By December 31, 2009, the Mayor shall create a Gang and Crew Intervention Joint Working Group ("Joint Working Group") consisting of members of the Executive Committee of the Citywide Coordinating Council for Youth Violence Prevention ("CCCYVP") and the core Focused Improvement Area ("FIA") team, to include the Metropolitan Police Department ("MPD"), the Office of the City Administrator, and other agencies as identified by the Office of the Mayor.

(b) The Joint Working Group shall develop a coordinated response to high-profile youth violence through the following measures:

(1) Assess critical incident ("CI") need and capacity by:

(A) Identifying and mapping all CIs involving youth over the past 6 months;

(B) Determining what portion of these incidents generated a CI response from CCCYVP partners; and

(C) Evaluating the current capacity of community-based organizations funded by the District (through both the CCCYVP and Children's Youth Investment Trust) for violence intervention to respond to CIs;

(2) Endeavor to align existing resources to respond to critical incidents by:

(A) Developing a plan to align all violence intervention initiatives funded in fiscal year 2010, regardless of funding source, into a coordinated CI strategy, to include proposals to modify contracts, as necessary;

(B) Assuring that CI resources are targeted to gang and crew "hot spots" and those neighborhoods experiencing the highest rates of youth violence; and

(C) Clarifying the geographic areas that each intervention service partner is or will be covering;

(3) Coordinate existing resources to respond to critical incidents by:

(A) Developing protocols for the immediate engagement of intervention partners by MPD when critical incidents occur;

(B) Assuring that Department of Parks and Recreation Roving Leaders in targeted neighborhoods are a part of the CI teams; and

(C) Engaging staff and School Resource Officers of middle and high schools in targeted neighborhoods in the CI process, as appropriate;

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(4) Identify targeted youth by:

(A) Identifying existing and emerging conflicts between gangs and crews based on MPD's Gang Intelligence Fusion Unit, MPD Division officers, and street intelligence from community partners and schools;

(B) In partnership with schools and community partners, identifying the youth most immediately at risk of involvement in violent behavior in targeted neighborhoods;

(C) Establishing and implementing a process to review unsolved violent offenses for possible gang and crew involvement; provided, that MPD shall review all unsolved suspected gang or crew homicides and attempted homicides involving minors or young adults within the last 5 years, to determine which may be connected to gang and crew violence, and deploy resources to close these cases quickly; and

(D) Partnering with Department of Youth Rehabilitation Services and Court Social Services prior to a youth's release from detention to ensure youth and community safety are carefully planned for, including access to robust post-detention services; and

(5) Intervene with targeted youth by:

(A) Developing protocols for CIs that outline the necessary steps when responding to violent incidents involving youth, including the development of containment and de-escalation strategies that are incident-specific and designed to prevent acts of retaliation; provided, that:

(i) The protocols shall address:

(I) What information is shared;

(II) The roles and responsibilities of all parties in responding to violent incidents;

(III) Guidelines for street mediation, truces, and rumor control; and

(IV) Engagement of family members and others significant in the lives of both perpetrators and victims; and

(ii) Standards for individualized diversion plans for involved youth shall be developed that engage schools, government agencies, recreation centers, and other community-based resources;

(B) Establishing core components of an individual intervention and diversion plan, including direct outreach to all involved parties (both of the victim and alleged perpetrator), and engagement of families, schools, and community-based resources;

(C) Developing a proposal to provide flexible funds to resource these plans with the participation, as necessary, of agency personnel in review sessions and implementation; provided, that, when possible, any existing family team meeting processes at the Child and Family Services Agency and the Department of Youth Rehabilitation Services may be key elements of this process for youth involved with either of these agencies; and

(D) Identifying additional resources from agencies that should, where appropriate, be available to provide support for individual CI plans.

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(c) By December 31, 2009, the Joint Working Group shall expand capacity of Critical Incident and Targeted Youth Outreach Teams through the following measures:

(1) Based on the CI capacity assessment, described in subsection (b) of this section, estimate what the current gap is between capacities and need;

(2) Assess the existing capacity of CCCYVP partners to provide targeted outreach to the highest-risk youth;

(3) Develop a plan to expand CI and targeted outreach that realistically reflects time necessary for recruitment and orientation of new staff; and

(4) Prepare a cost estimate for the short-term expansion plan, and a funding proposal for its implementation.

TITLE II

Sec. 201. Section 14 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 704; D.C. Official Code § 1-1001.14), is amended by adding a new subsection (b-1) to read as follows: **Note, § 1-1001.14**

"(b-1)(1) A person who, during the period beginning 30 days before any election or referendum, initiative, or recall and ending 4 days after the election, referendum, initiative, or recall, intentionally removes, defaces, damages, or destroys any lawfully placed billboard, poster, sign, or other material relating to any candidate for election for any office or to a referendum, initiative, or recall, shall be subject to imposition of civil fines, penalties, and fees for a civil infraction pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"(2) A person who violates paragraph (1) of this subsection shall be fined not more than $100.

"(3) This subsection shall not apply to:

"(A) The candidate for election;

"(B) A sponsor of a referendum, initiative, or recall;

"(C) The owner of the material;

"(D) The owner of the premises where the material is located;

"(E) Persons authorized and acting on behalf of the owner of the material or the premises; or

"(F) Any person charged with enforcement of any law of the District of Columbia acting within the scope of his or her authority.".

Sec. 202. Section 2a(b) of the Advisory Commission on Sentencing Establishment Act of 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01(b)), is amended by striking the number "2010" and inserting the number "2012" in its place. **Note, § 3-101.01**

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Sec. 203. Section 2903(c)(3) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)(3)), is amended to read as follows: Note, § 5-1402

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007, and ending on April 30, 2013.".

Sec. 204. The District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*), is amended as follows:

(a) Section 202(a)(5) (D.C. Official Code § 7-1202.02(a)(5)) is amended by striking the phrase "60 days" and inserting the phrase "365 days" in its place. Note, § 7-1202.02

(b) Section 303 (D.C. Official Code § 7-1203.03) is amended as follows: Note, § 7-1203.03

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

"(a) To the extent the disclosure of mental health information is not otherwise authorized by this act, mental health information may be disclosed, on an emergency basis, to one or more of the following if the mental health professional reasonably believes that such disclosure is necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury:

"(1) The client's spouse, parent, or legal guardian;

"(2) A duly accredited officer or agent of the District of Columbia in charge of public health;

"(3) The Department of Mental Health;

"(4) A provider as that term is defined in section 102(27) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.02(27));

"(5) The District of Columbia Pretrial Services Agency;

"(6) The Court Services and Offender Supervision Agency;

"(7) A court exercising jurisdiction over the client as a result of a pending criminal proceeding;

"(8) Emergency medical personnel;

"(9) An officer authorized to make arrests in the District of Columbia; or

"(10) An intended victim.".

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Any disclosure of mental health information under this section shall be limited to the minimum necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury.".

(c) A new section 305a is added to read as follows:

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"Sec. 305a. Disclosures to correctional institutions or law enforcement officials.

"(a) A mental health professional or mental health facility may disclose to a correctional institution or a law enforcement official having lawful custody of an individual mental health information about the individual to facilitate the delivery of mental health services and mental health supports to the individual.

"(b) Any disclosure of mental health information under this section shall be limited to the minimum necessary to facilitate the delivery of mental health services and mental health supports.".

(d) Section 403 (D.C. Official Code § 7-1204.03) is amended as follows: Note, § 7-1204.03

(1) Designate the existing text as subsection (a).

(2) New subsections (b) and (c) are added to read as follows:

"(b) In addition to mental health information that is disclosed when a defendant's competence or mental health is at issue or when otherwise authorized by law, in a criminal proceeding the court may order the disclosure, or redisclosure, of a defendant or offender's mental health information when and only to the extent necessary to monitor the defendant or offender's compliance with a condition of pretrial release, probation, parole, supervised release, or diversion agreement that the defendant or offender obtain or comply with mental health treatment ordered by a court or the U.S. Parole Commission.

"(c) Any disclosure or redisclosure of mental health information ordered under this section shall be limited to the minimum necessary to monitor the individual's compliance and the court's order shall specify the information that may be disclosed or redisclosed.".

Sec. 205. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended by adding a new Title VIII to read as follows:

"TITLE VIII – GUN OFFENDER REGISTRY.

"Sec. 801. Definitions.

"For the purposes of this title, the term:

"(1) "Correctional facility" means any building or group of buildings and concomitant services operated as a single management unit by the Department of Corrections, or a similar federal, state, county, or local government agency, or a contractor to such an agency, for the purpose of housing and providing services to persons ordered confined pending trial or sentencing, or incarcerated following sentencing for a violation of law.

"(2) "Gun offender" means a person:

"(A) Convicted of a gun offense in the District;

"(B) Convicted of a gun offense who resides in the District within the registration period established pursuant to section 802; or

"(C) Who has as a mandatory condition of release a registration requirement in the District pursuant to section 804(f).

"(3) "Gun offense" means:

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"(A) A conviction for the sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under 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.*);

"(B) A conviction for violating sections 201, 401, 501, or 601 of this act; or

"(C) Violations in other jurisdictions of any offense with an element that involves the violations listed in subparagraph (A) or (B) of this paragraph.

"(4) "Resides" means to stay overnight in the District of Columbia for an aggregate period of time exceeding 30 days in any calendar year.

"Sec. 802. Duty to register and to verify.

"(a) A gun offender shall register with the Chief for a period of 2 years, unless a longer period is required by section 803 or section 807(b). The offender shall register:

"(1) Within 48 hours of:

"(A) Release, if the gun offender receives a sentence of imprisonment;

"(B) The time sentence is imposed, if the sentence does not include imprisonment;

"(C) Remaining in the District to reside, work, or attend school after receipt of notice of the obligation to register; or

"(D) Changing the place where he or she resides, works, or attends school in the District or elsewhere;

"(2) By personally appearing at an office designated by the Chief to sign a statement under oath, verified by whatever documentation may be required, that provides, to the extent it is available:

"(A) The gun offender's name, date of birth, sex, race, height, weight, and eye color;

"(B) The address where the gun offender resides or expects to reside in the District;

"(C) Any other legal names of the gun offender;

"(D) Aliases of the gun offender;

"(E) The jurisdiction and a description of the offense for which the gun offender was convicted and the date of conviction;

"(F) Fingerprints of the gun offender;

"(G) The identification number of the gun offender's driver's license or non-driver photo identification card;

"(H) The name and address of any school the gun offender attends or expects to attend; and

"(I) The name and address of the gun offender's expected place of work, including the name and phone number of a supervisor.

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"(b) During the period in which a gun offender is required to register under this title, the gun offender shall comply with the following:

"(1) Except as specified in paragraphs (2) and (3) of this subsection, no later than 20 calendar days following the one-year anniversary of the gun offender's initial registration date, the gun offender shall personally appear at such office as the Chief may direct for the purpose of verifying the information required under subsection (a) of this section.

"(2) If a gun offender required to register under this title is confined to any federal, state, or local correctional facility, residential treatment center, hospital, or institution throughout the 20-day period described in paragraph (1) of this subsection, the gun offender shall personally appear as required by paragraph (1) of this subsection within 48 hours of release.

"(3) If a gun offender neither resides, works, nor attends school in the District of Columbia, the gun offender shall not be required to comply with paragraph (1) or (2) of this subsection.

"(4) The Chief may photograph the gun offender and require the gun offender to provide such documentation as the Chief considers acceptable to verify the information provided in subsection (a)(2) of this section.

"(c) The Chief shall have the authority to maintain and operate the gun offender registry for the District, including the authority to collect and maintain gun offender information obtained pursuant to subsection (b) of this section and enter the information into appropriate record systems and databases.

"Sec. 803. Registration period.

"A gun offender shall comply with the registration and verification provisions required by section 802 for a period beginning when he or she is sentenced for a gun offense and continuing until 2 years after the expiration of any time being served on probation, parole, supervised release, or conditional release, or 2 years after the gun offender is unconditionally released from a correctional facility, prison, hospital, or other place of confinement, whichever is latest. The registration period is tolled for any time the gun offender fails to register or otherwise fails to comply with the requirements of this title.

"Sec. 804. Certification duties of the Superior Court of the District of Columbia.

"(a) Upon a defendant's conviction for a gun offense, the Superior Court of the District of Columbia ("Court") shall enter an order certifying that the defendant is a gun offender. The Court shall:

"(1) Advise the gun offender of his or her duties under this title;

"(2) Order the gun offender to report to the Chief to register as required by this title; and

"(3) Order the gun offender to comply with the requirements of this title.

"(b) The Court shall provide to the Chief, and to the Court Services and Offender Supervision Agency, a copy of the certification and order, and such other records and information in its possession that will assist in the registration of the gun offender.

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"(c) In any case where the Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall provide the gun offender with a copy of the order required under subsection (a) of this section and require the gun offender to read, or have read to him or her, and sign the copy of the order.

"(d) For persons who have not been required to comply with the requirements of this title as set forth in subsections (a) and (c) of this section, but nevertheless qualify, the Court may, upon motion of the government, enter an order certifying that a person convicted of a gun offense within the period for which registration is required by this title is a gun offender and issue an order requiring the gun offender to register and to comply with the provisions of this title. The certification and order shall be personally served upon the person, at which time the requirements of this title shall apply, unless that person moves the Court to rescind the certification and order and the Court grants the motion.

"(e) Agencies in the District of Columbia to which the probation, parole, supervised release, or conditional release of a gun offender is transferred from another jurisdiction are authorized to inform the Chief of that transfer of supervision for purposes of implementing the provisions of subsection (d) of this section.

"(f) Notwithstanding the court certification requirements of this title, any person convicted of a gun offense in any jurisdiction other than the District of Columbia who is ordered by competent authority in that jurisdiction to register as a gun offender in the District of Columbia shall comply with the registration and other requirements of this title.

"Sec. 805. Sharing of registration information; Freedom of Information Act exception.

"(a) Gun offender registration information shall not be made available except as authorized under subsection (b) of this section. No gun offender registration information shall be available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

"(b) The Chief is authorized to make gun offender registration information available to other local, state, or federal government agencies.

"Sec. 806. Rules.

"The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules and establish such forms as are necessary to implement the provisions of this title.

"Sec. 807. Penalties; mandatory release condition.

"(a) Any knowing violation by a gun offender of this title or of rules or regulations established pursuant to this title, including knowingly failing to register, verify, or update information in the manner and within the time periods provided for in this title, shall be a misdemeanor punishable by a fine of not more than $1,000, imprisonment of not more than 12 months, or both.

"(b) Compliance with the requirements of this title, including any rules or regulations adopted by the Chief pursuant to this title, shall be a mandatory condition after the expiration of

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any time being served on probation, parole, supervised release, or conditional release for any gun offender convicted in the District of Columbia.".

Sec. 206. Section 14-306 of the District of Columbia Official Code is amended as follows: Note, § 14-306

(a) New subsections (b-1) through (b-3) are added to read as follows:

"(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

"(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

"(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

"(B) An offense against a child, minor, or vulnerable adult who is:

"(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

"(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

"(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

"(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

"(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners; or

"(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

"(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

"(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.".

(b) Subsection (c) is amended by adding a new paragraph (3) to read as follows:

"(3) "Refused to testify" means that the witness spouse or domestic partner has:

"(A) Submitted an affidavit or other writing stating that she or he will not testify

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before a grand jury or in court;

"(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

"(C) Intentionally failed to appear in response to a subpoena.".

Sec. 207. Section 14-307 of the District of Columbia Official Code is amended as follows:

Note, § 14-307

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

(1) Paragraph (1) is amended by striking the phrase "evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being," and inserting the phrase "evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601," in its place.

(2) Paragraph (4) is amended as follows:

(A) Strike the phrase "in criminal or civil cases" and insert the phrase "in a grand jury, criminal, delinquency, or civil proceeding" in its place.

(B) Strike the phrase "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. sec. 1396 et seq.)." and insert the phrase "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or where a person is alleged to have defrauded a health care benefit program." in its place.

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

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

"(1) "Health care benefit program" means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.

"(2) "Injury" includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by Chapter 30 of Title 22.".

Sec. 208. Section 907a(a)(2) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1804a(a)(2)), is amended by striking the phrase "the court may in lieu of any sentence authorized, impose" and inserting the phrase "the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose" in its place.

Note, § 22-1804a

Sec. 209. Section 908A(a) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1805a(a)), is amended as follows:

Note, § 22-1805a

(a) Designate the existing language as paragraph (1).

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

"(a)(2) If 2 or more persons conspire to commit a crime of violence as defined in D.C. Official Code § 23-1331(4), each shall be fined not more than $3000 nor the maximum fine prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum imprisonment prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or both.".

Note, § 22-2603

Sec. 210. An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603), is amended to read as follows:

"Sec. 2. Definitions.

" For the purposes of this act, the term:

"(1) "Cellular telephone or other portable communication device" means any device carried, worn, or stored that is designed, intended, or readily converted to create, receive, or transmit verbal or written messages or visual images, access or store data, or connect electronically to the Internet or any other electronic device and which allows communications in any form. The term "cellular telephone or other portable communication device" includes portable 2-way pagers, hand-held radios, cellular telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras, or any components of these devices which are intended to be used to assemble such devices. The term "cellular telephone or other portable communication device" also includes any new technology that is developed for similar purposes.

"(2)(A) "Class A Contraband" means:

"(i) Any item, the mere possession of which is unlawful under District of Columbia or federal law;

"(ii) Any controlled substance listed or described in 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 any controlled substance scheduled by the Mayor pursuant to section 201 (D.C. Official Code § 48-902.01) of that act;

"(iii) Any dangerous weapon or object which is capable of such use as may endanger the safety or security of a penal institution or secure juvenile residential facility or any person therein, including,:

"(I) A firearm or imitation firearm, or any component of a firearm;

"(II) Ammunition or ammunition clip;

"(III) A stun gun, taser, or other device capable of disrupting a person's nervous system;

"(IV) Flammable liquid or explosive powder;

"(V) A knife, screwdriver, ice pick, box cutter, needle, or

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any other object or tool that can be used for cutting, slicing, stabbing, or puncturing a person;

"(VI) A shank or homemade knife; or

"(VII) Tear gas, pepper spray, or other substance that can be used to cause temporary blindness or incapacitation;

"(iv) Any object designed or intended to facilitate an escape;

"(v) Handcuffs, security restraints, handcuff keys, or any other object designed or intended to lock, unlock, or release handcuffs or security restraints;

"(vi) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool that can be used to cut through metal, concrete, or plastic;

"(vii) Rope; or

"(viii) When possessed by, given to, or intended to be given to an inmate or securely detained juvenile, a correctional officer's uniform, law enforcement officer's uniform, medical staff clothing, any other uniform, or civilian clothing.

"(B) The term "Class A contraband" does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility and that is in the form or quantity for which it was authorized.

"(3)(A) "Class B Contraband" means:

"(i) Any alcoholic liquor or beverage;

"(ii) A hypodermic needle or syringe or other item that can be used for the administration of unlawful controlled substances; or

"(iii) A cellular telephone or other portable communication device.

"(B) The term "Class B contraband" does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility and that is in the form or quantity for which it was authorized.

"(4)(A) "Class C Contraband" means any article or thing which a person confined in a penal institution or secure juvenile residential facility is prohibited from obtaining or possessing by rule. The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be posted in the facility to give notice of the prohibited articles or things.

"(B) The term "Class C contraband" does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility and that is in the form or quantity for which it was authorized.

"(5) "Grounds" means the area of land occupied by the penal institution or secure juvenile residential facility and its yard and outbuildings, with a clearly identified perimeter.

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"(6) "Penal institution" means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere.

"(7) "Secure juvenile residential facility" means a locked residential facility providing custody, supervision, and care for one or more juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services, excluding residential treatment facilities and accredited hospitals.

"Sec. 3. Unlawful possession of contraband.

"(a) Except as authorized by law, the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services, it is unlawful to:

"(1) Knowingly bring Class A, Class B, or Class C contraband into or upon the grounds of a penal institution or a secure juvenile residential facility with the intent that it be given to or received by an inmate or securely detained juvenile;

"(2) Knowingly cause another to bring Class A, Class B, or Class C contraband into or upon the grounds of a penal institution or a secure juvenile residential facility with the intent that it be given to or received by an inmate or securely detained juvenile; or

"(3) Knowingly place Class A, Class B, or Class C contraband in such proximity to a penal institution or a secure juvenile residential facility with the intent to give an inmate, a securely detained juvenile, a staff member, or a visitor access to the contraband.

"(b) It is unlawful for any inmate, or securely detained juvenile, to possess Class A, Class B, or Class C contraband, regardless of the intent with which he or she possesses it.

"(c) It is unlawful for any employee of the Department of Corrections or Department of Youth Rehabilitation Services who becomes aware of any violation of this section to fail to report such knowledge as required by department regulations, policies, or procedures.

"(d)(1) Any item listed as contraband is not deemed to be contraband when issued by a penal institution or secure juvenile residential facility to an employee and the item is being used in the performance of the employee's duties within the penal institution or secure juvenile residential facility.

"(2) Any item listed as contraband is not deemed to be contraband when issued by a law enforcement agency to its sworn officers and the item is being used in the performance of his or her duties.

"(e) It is not unlawful for an attorney, or representative or agent of an attorney, during the course of a visit for the purpose of legal representation of the inmate or securely detained juvenile, to:

(1) Possess a cellular telephone or other portable communication device for the purpose of the legal visit for use by the attorney, representative, or agent, and not for the personal use of any inmate or securely detained juvenile; or

(2) Give or transmit to an inmate or securely detained juvenile legal written or recorded communication pertaining to his or her legal representation.

"(f) It is not unlawful for a person to possess or carry a controlled substance that is

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prescribed to that person and that is medically necessary for that person to carry.

"Sec. 4. Penalties.

"(a) A person convicted of violating this act with regard to Class A contraband shall be imprisoned for not more than 10 years, fined not more than $10,000, or both.

"(b) A person convicted of violating this act with regard to Class B contraband shall be imprisoned for not more than 2 years, fined not more than $2,000, or both.

"(c) A person convicted of violating section 3(c) shall be imprisoned for not more than 1 year, fined not more than $1,000, or both.

"(d) Any term of imprisonment imposed on an inmate or prisoner pursuant to this section shall be consecutive to the term of imprisonment being served at the time this offense was committed, or if the inmate was confined pending trial or sentencing, consecutive to any term of imprisonment imposed in the case in which the inmate was being detained at the time this offense was committed.

"(e) The violation of this act with regard to Class C contraband shall be an administrative penalty prescribed by the Department of Corrections or the Department of Youth Rehabilitation Services.

"Sec. 5. Detainment power.

"Any person who, being lawfully upon the grounds of the penal institution, introduces or attempts to introduce contraband prohibited by section 3(a) may be taken into custody by the warden and detained for not more than 2 hours, pending surrender to a police officer with the Metropolitan Police Department.".

Note, § 22-2701

Sec. 211. Section 1 of 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), is amended to read as follows:

"Sec. 1. (a) It is unlawful for any person to engage in prostitution or to solicit for prostitution.

"(b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of prostitution shall be:

"(A) Fined not more than $500, imprisoned for not more than 90 days, or both, for the first offense; and

"(B) Fined not more than $1,000, imprisoned not more than 180 days, or both, for the second offense.

"(2) A person convicted of prostitution who has 2 or more prior convictions for prostitution, not committed on the same occasion, shall be fined not more than $4,000, imprisoned for not more than 2 years, or both.

"(c) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for prostitution if he or she has been convicted on at least 2 occasions of violations of this section, or of a statute in one or more other jurisdictions prohibiting prostitution, or conduct that would constitute a violation of this section if committed in the District of Columbia.".

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Sec. 212. Section 104(b)(1) of the Omnibus Public Safety Amendment of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-2731(b)(1)), is amended by striking the phrase "240 consecutive hours" and inserting the phrase "480 consecutive hours" in its place. Note, § 22-2731

Sec. 213. Section 206 of the Anti-Sexual Abuse Act of 1994, effective May 25, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3007), is amended by striking the phrase ", which the defendant must establish by a preponderance of the evidence,". Note, § 22-3007

Sec. 214. 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 as follows:

(a) Section 101 (D.C. Official Code § 22-3201) is amended as follows: Note, § 22-3201

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

"(2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary, partnership, company, corporation, association, organization, union, government department, agency, or instrumentality, or any other legal entity.".

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word "and" at the end.

(B) Subparagraph (C) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New subparagraphs (D), (E), and (F) are added to read as follows:

"(D) Credit;

"(E) Debt; and

"(F) A government-issued license, permit, or benefit.".

(3) A new paragraph (7) is added to read as follows:

"(7) "Value" with respect to a credit card, check, or other written instrument means the amount of money, credit, debt, or other tangible or intangible property or services that has been or can be obtained through its use, or the amount promised or paid by the credit card, check, or other written instrument.".

(b) Section 103 (D.C. Official Code § 22-3203) is amended to read as follows: Note, § 22-3203

"Sec. 103. Consecutive sentences.

"(a) A person may be convicted of any combination of theft, identity theft, fraud, credit card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for the same act or course of conduct; provided, that no person shall be consecutively sentenced for any such combination or combinations that arise from the same act or course of conduct.

"(b) Convictions arising out of the same act or course of conduct shall be considered as one conviction for purposes of any application of repeat offender sentencing provisions.".

(c) A new section 104 is added to read as follows:

"Sec. 104. Case referral.

"For the purposes of this title, in cases involving more than one jurisdiction, or in cases

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where more than one District of Columbia agency is responsible for investigating an alleged violation, the investigating agency to which the report was initially made may refer the matter to another investigating or law enforcement agency with proper jurisdiction.".

(d) Section 112 (D.C. Official Code § 22-3212) is amended as follows: Note, § 22-3212

(1) Subsection (a) is amended by striking the phrase "$250" and inserting the phrase "$1,000" in its place.

(2) Subsection (b) is amended by striking the phrase "if the value of the property obtained or used is less than $250" and inserting the phrase "if the property obtained or used has some value" in its place.

(3) New subsections (c) and (d) are added to read as follows:

"(c) A person convicted of theft in the first or second degree who has 2 or more prior convictions for theft, not committed on the same occasion, shall be fined not more than $5,000 or imprisoned for not more than 10 years and for a mandatory-minimum term of not less than one year, or both. A person sentenced under this subsection shall not be released from prison, granted probation, or granted suspension of sentence, prior to serving the mandatory-minimum.

"(d) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of section 111, or of a statute in one or more jurisdictions prohibiting theft or larceny, or of conduct that would constitute a violation of section 111 if committed in the District of Columbia.".

(e) Section 115 (D.C. Official Code § 22-3215) is amended as follows: Note, § 22-3215

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

"(b) A person commits the offense of unauthorized use of a motor vehicle under this subsection if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or purpose.".

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

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not more than $1,000, imprisoned for not more than 5 years, or both.

"(2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

"(i) Fined not more than $10,000, imprisoned for not more than 10 years, or both, consecutive to the penalty imposed for the crime of violence; and

"(ii) If serious bodily injury results, imprisoned for not less than 5 years, consecutive to the penalty imposed for the crime of violence.

"(B) For the purposes of this paragraph, the term "crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

"(3)(A) A person convicted of unauthorized use of a motor vehicle under

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subsection (b) of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or theft in the first degree, not committed on the same occasion, shall be fined not less than $5,000 nor more than $15,000, or imprisoned for not less than 30 months nor more than 15 years, or both.

"(B) For the purposes of this paragraph, a person shall be considered as having 2 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if that person has been twice before convicted on separate occasions of:

"(i) A prior violation of subsection (b) of this section or theft in the first degree;

"(ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a motor vehicle or theft in the first degree;

"(iii) Conduct that would constitute a violation of subsection (b) of this section or a violation of theft in the first degree if committed in the District of Columbia; or

"(iv) Conduct that is substantially similar to that prosecuted as a violation of subsection (b) of this section or theft in the first degree.

"(4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of this section shall be fined not more than $1,000, imprisoned for not more than 3 years, or both.".

Note, § 22-3223

(f) Section 123 (D.C. Official Code § 22-3223) is amended as follows:

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

"(a) For the purposes of this section, the term "credit card" means an instrument or device, whether known as a credit card, debit card, or by any other name, issued for use of the cardholder in obtaining or paying for property or services.".

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

(A) The lead-in language is amended by striking the phrase "obtains property of another by" and inserting the phrase "obtains or pays for property or services by" in its place.

(B) Paragraph (3) is amended by striking the word "or" at the end.

(C) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(5) Knowingly using for the employee's or contractor's own purposes a credit card, or the number or description thereof, issued to or provided to an employee or contractor by or at the request of an employer for the employer's purposes.".

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

"(d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of credit card fraud shall be fined not more than $1,000, imprisoned for not more than 180 days, or both.

"(2) Any person convicted of credit card fraud shall be fined not more than $5,000, imprisoned for not more than 10 years, or both, if the value of the property or services

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obtained or paid for is $1,000 or more.".

(g) A new section 124a is added to read as follows:

"Sec. 124a. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The person to whom a credit card was issued or in whose name the credit card was issued is a resident of, or located in, the District of Columbia;

"(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud;

"(3) The loss occurred in the District of Columbia; or

"(4) Any part of the offense takes place in the District of Columbia.".

(h) A new section 125o is added to read as follows:

"Sec. 125o. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The insured, insurer, claimant, or applicant is a resident of, or located in, the District of Columbia;

"(2) A District of Columbia address is used on an application, policy, or claim for payment or benefit;

"(3) The services for which a claim is made were provided or alleged to have been provided in the District of Columbia;

"(4) Payment of a claim or benefit was made or was to be made to an address in the District of Columbia;

"(5) The loss occurred or is alleged to have occurred in the District of Columbia; or

"(6) Any part of the offense takes place in the District of Columbia.".

(i) Section 127a (D.C. Official Code § 22-3227.01) is amended as follows: Note, § 22-3227.01

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

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) Lost time, wages, and benefits, other losses sustained, legal fees, and other expenses incurred as a result of the use, without permission, of one's personal identifying information by another as prohibited by section 127b.".

(2) Paragraph (2) is repealed.

(j) Section 127b (D.C. Official Code § 22-3227.02) is amended as follows: Note, § 22-3227.02

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

(2) Paragraph (2) is amended by striking the period at the end and inserting the

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phrase "; or" in its place.

(3) A new paragraph (3) is added to read as follows:

"(3) Uses personal identifying information belonging to or pertaining to another person, without that person's consent, to:

"(A) Identify himself or herself at the time of his or her arrest;

"(B) Facilitate or conceal his or her commission of a crime; or

"(C) Avoid detection, apprehension, or prosecution for a crime.".

(k) Section 127c (D.C. Official Code § 22-3227.03) is amended as follows: Note, § 22-3227.03

(1) Subsection (a) is amended by striking the phrase "$250 or more" and inserting the phrase "$1,000 or more" in its place.

(2) Subsection (b) is amended by striking the phrase "whichever is greater, is less than $250." and inserting the phrase "has some value, or if another person is falsely accused of, or arrested for, committing a crime because of the use, without permission, of that person's personal identifying information." in its place.

(l) Section 127f(1) (D.C. Official Code § 22-3227.06(1)) is amended by striking the phrase "resident of" and inserting the phrase "resident of, or located in," in its place. Note, § 22-3227.06

(m) Section 502(a) (D.C. Official Code § 22-722(a)) is amended as follows: Note, § 22-722

(1) Paragraph (4) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

(2) Paragraph (5) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

Sec. 215. 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 as follows: Note, § 22-3302

(a) Designate the existing language subsection (a).

(b) The newly designated subsection (a) is amended as follows:

(1) Strike the phrase "public or".

(2) Strike the phrase "a fine not exceeding $100 or imprisonment in the Jail for not more than 6 months, or both, in the discretion of the court" and insert the phrase "a fine of not more than $1,000, imprisonment for not more than 180 days, or both" in its place.

(3) Add the following sentence at the end: "For the purposes of this section, the term "private dwelling" includes a privately owned house, apartment, condominium, or any building used as living quarters, or cooperative or 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 housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority.".

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

"(b) Any person who, without lawful authority, shall enter, or attempt to enter, any public building, or other property, or part of such building, or other property, against the will of

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the lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $ 1,000, imprisonment for not more than 6 months, or both.".

Sec. 216. An Act To define and punish vagrancy in the District of Columbia, and for other purposes, approved December 17, 1941 (55 Stat. 808; D.C. Official Code § 22-3501 *et seq.*), is repealed. Note, §§ 22-3501 - 22-3506

Sec. 217. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows: Note, § 22-3701

(1) Paragraph (1) is amended by striking the phrase "family responsibility," and inserting the phrase "family responsibility, homelessness," in its place.

(2) A new paragraph (4) is added to read as follows:

"(4) "Homelessness" means:

"(A) The status or circumstance of an individual who lacks a fixed, regular, and adequate nighttime residence; or

"(B) The status or circumstance of an individual who has a primary nighttime residence that is:

"(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare motels, hotels, congregate shelters, and transitional housing for the mentally ill;

"(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

"(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.".

(b) Section 5 (D.C. Official Code § 22-3704) is amended as follows: Note, § 22-3704

(1) Subsection (a) is amended by striking the phrase "family responsibilities,"and inserting the phrase "family responsibilities, homelessness," in its place.

(2) Subsection (b) is amended by striking the phrase "family responsibilities," and inserting the phrase "family responsibilities, homelessness," in its place.

Sec. 218. Section 2 of the DNA Sample Collection Act of 2001, effective November 3, 2001 (D.C. Law 14-52; D.C. Official Code § 22- 4151), is amended to read as follows: Note, § 22-4151

"Sec. 2. Qualifying offenses.

"(a) The following criminal offenses shall be qualifying offenses for the purposes of DNA collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 19, 2000 (Pub. L. No. 106-546; 114 Stat. 2726):

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"(1) Any felony;

"(2) Any offense for which the penalty is greater than one year imprisonment;

"(3) Section 9(b) 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(b)) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

"(4) Section 872 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 22-2201) (certain obscene activities involving minors);

"(5) Section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102) (sexual performances using minors);

"(6) Section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3006) (misdemeanor sexual abuse);

"(7) Section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3010.01) (misdemeanor sexual abuse of a child or minor); and

"(8) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1) through (7) of this subsection.

"(b) DNA collected by an agency of the District of Columbia shall not be searched for the purpose of identifying a family member related to the individual from whom the DNA sample was acquired.".

Sec. 219. 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) Section 2(a)(2) (D.C. Official Code § 22-4502(a)(2)) is amended by striking the phrase "Columbia," and inserting the phrase "Columbia, or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia," in its place. **Note, § 22-4502**

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

"Sec. 3. Unlawful possession of firearm.

"(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:

"(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(2) Is not licensed under section 10 to sell weapons, and the person has been convicted of violating this act;

"(3) Is a fugitive from justice;

"(4) Is addicted to any controlled substance, as defined in section 102(4) of the

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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));

"(5) Is subject to a court order that:

"(A)(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

"(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

"(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and

"(C) Requires the person to relinquish possession of any firearms (as provided in D.C. Official Code § 16-1005(c)(10));

"(6) Has been convicted of an intrafamily offense, as defined in D.C. Official Code § 16-1001, or a substantially similar offense in another jurisdiction;

"(b)(1) A person who violates subsection (a)(1) of 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 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

"(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

"(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than $15,000, or both.

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

"(1) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

"(2) "Fugitive from justice" means a person who has:

"(A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; or

"(B) Escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.".

Sec. 220. Section 23-110(b) of the District of Columbia Official Code is amended as follows: **Note, § 22-110**

(a) Designate the existing language as paragraph (1).

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

"(2) A motion for such relief may be dismissed if the government demonstrates

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that it has been materially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the movant could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.".

Sec. 221. Section 23-523(b) of the District of Columbia Official Code is amended by adding the following sentence at the end: "For the purposes of this subsection, the term "hours of daylight" means between 6:00 a.m. and 9:00 p.m.". Note, § 23-523

Sec. 222. Section 23-581 of the District of Columbia Official Code is amended as follows: Note, § 23-581

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

(1) Subparagraph (A) is amended by adding the phrase "Malicious burning, destruction or injury of another's property . . . . . section 848 (D.C. Official Code § 22-303)." after the phrase "Unlawful entry . . . . . (D.C. Official Code sec. 22-3302).".

(2) Subparagraph (B) is amended to read as follows:

"(B) The following offense specified in the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 53 DCR 8610):

"Offense	Specified in
"Voyeurism.....	Section 105 (D.C. Official Code § 22-3531).".

(b) New subsections (a-4) and (a-5) are added to read as follows:

"(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense (unlawful entry of a motor vehicle) as provided in section 102 of the Omnibus Public Safety and Justice Emergency Amendment Act of 2009, passed on emergency basis on July 14, 2009 (Enrolled version of Bill 18-389).

"(a-5) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense (tampering with a detection device) as provided in section 103 of the Omnibus Public Safety and Justice Emergency Amendment Act of 2009, passed on emergency basis on July 14, 2009 (Enrolled version of Bill 18-389).".

Sec. 223. Section 23-1322(c) of the District of Columbia Official Code is amended as follows: Note, § 23-1322

(a) The lead-in language is amended by striking the phrase "a substantial probability" and inserting the phrase "probable cause" in its place.

(b) Paragraph (7) is amended to read as follows:

"(7) Violated § 22-4504(a) (carrying a pistol without a license), § 22-4504(a-1) (carrying a rifle or shotgun), § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), § 22-4503 (unlawful possession of a firearm) or section 101 of the Omnibus Public Safety and Justice Emergency Amendment Act of 2009, passed on

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emergency basis on July 14, 2009 (Enrolled version of Bill 18-389) (presence in a motor vehicle containing a firearm).".

(c) A new paragraph (8) is added to read as follows:

"(8) Violated Title VIII of the Firearms Control Regulations Act of 1975, passed on emergency basis on July 14, 2009 (Enrolled version of Bill 18-389), while on probation, parole, or supervised release for committing a dangerous crime or a crime of violence, as these crimes are defined in § 23-1331, while armed with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon as described in § 22-4502(a).".

Sec. 224. Section 47-2811(a) of the District of Columbia Official Code is amended to read as follows: Note, § 47-2811

"(a) No person shall offer or administer for commercial purposes a massage unless licensed pursuant to Chapter 12 of Title 3.".

Sec. 225. Section 204(5) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04(5)), is amended as follows: Note, § 48-902.04

(a) Subparagraph (A) is amended by striking the word "and" at the end.

(b) Subparagraph (B) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new subparagraph (C) is added to read as follows:

"(C) Cathinone.".

Sec. 226. Section 3 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), is amended as follows: Note, § 48-1002

(a) Subsection (a) is amended by striking the phrase "240 consecutive hours" and inserting the phrase "480 consecutive hours" in its place.

(b) Subsections (b)(1) and (b)(2) are amended to read as follows:

"(1) Within the preceding 6-month period the occurrence of a disproportionately high number of:

"(A) Arrests for the possession or distribution of illegal drugs in the proposed drug free zone;

"(B) Police reports for dangerous crimes (as defined in D.C. Official Code § 23-1331(3)) that were committed in the proposed drug free zone; or

"(C) Police reports for crimes of violence (as defined in D.C. Official Code § 23-1331(4)) that were committed in the proposed drug free zone;.

"(2) Any number of homicides that were committed in the proposed drug free zone.".

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Sec. 227. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

Note, § 50-1731.02

(a) Section 2 (D.C. Official Code § 50-1731.02) is amended as follows:

(1) A new paragraph (4A) is added to read as follows:

"(4A) "Text" or "Texting" means using an electronic wireless communications device to compose, send, receive, or read a written message or image using a text-based communication system, including communications referred to as a text message, instant message, or electronic mail.".

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

"(5) "Use" means talking, placing, texting, or receiving a call, or attempting to place, text, or receive a call, on a wireless communications device, including a mobile telephone.".

Note, § 50-1731.06

(b) Section 6(a) (D.C. Official Code § 50-1731.06(a)) is amended by adding a new sentence at the end to read as follows:

"The suspension shall not apply to violations related to texting.".

Note, § 50-2201.05

Sec. 228. Section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05(b)), is amended as follows:

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

(1) Subparagraphs (B) and (C) are amended to read as follows:

"(B)(i) Any person convicted of a second offense under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the conviction for the first offense under subparagraph (A)(i) of this paragraph.

"(ii) Any person who is convicted of an offense listed in subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the offense listed in subparagraph (A)(i) of this paragraph occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

"(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraphs (i) or (ii) of this subparagraph shall be fined not less than $1,000 and not more than $5,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition to the mandatory-minimum and any additional term of imprisonment which may be imposed, the court may impose a sentence of at least 30 days of community service in accordance with D.C. Official Code § 16-712.

"(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for

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an additional mandatory-minimum period of 10 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 20 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.

"(C)(i) Any person convicted of a third or subsequent offense listed under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the third or subsequent offense occurs within 15 years of the prior conviction.

"(ii) Any person who is convicted of a second offense under subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to subsection sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

"(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraph (i) or (ii) of this subparagraph shall be fined an amount not less than $2,000 and not more than $ 10,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

"(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 25 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.".

(2) Subparagraph (D) is amended as follows:

(A) Strike the phrase "for a violation" and insert the phrase "of a violation" in its place.

(B) Strike the phrase "benefitting children or, for a subsequent offense, 80 hours of community service in such program" and insert the phrase "benefitting children for the first such offense and 80 hours of community service for a subsequent such offense" in its place

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

"(2)(A) No person shall, while the person's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District.

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"(B) Any person violating any provision of subparagraph (A) of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than $200 and not more than $300 and may be imprisoned for not more than 30 days.

"(C) Any person convicted of a second offense under subparagraph (A) of this paragraph shall be sentenced pursuant to subparagraph (E) of this paragraph if the second offense occurs within 15 years of a conviction for a first offense under subparagraph (A) of this paragraph.

"(D) Any person convicted of an offense under subparagraph (A) of this paragraph following a prior conviction for a violation of paragraph (1)(A)(i) of this subsection shall be sentenced pursuant to subparagraph (E) of this paragraph if the offense under subparagraph (A) of this paragraph occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection.

"(E) Any person convicted of an offense under subparagraph (A) of this paragraph pursuant to subparagraphs (C) or (D) of this paragraph shall be fined not less than $300 and not more than $500 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 30 days of community service in accordance with D.C. Official Code § 16-712.

"(F) Any person convicted of a third or subsequent offense under subparagraph (A) of this paragraph shall be fined not less than $1,000 and not more than $5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

"(G) Any person convicted of a second offense under subparagraph (A) of this paragraph who has previously been convicted of an offense listed under paragraph (1)(A)(i) of this subsection shall, if the second offense occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection, be fined in an amount not less than $1,000 and not more than $5,000 and sentenced to a period of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.".

Note, § 50-2205.02

Sec. 229. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "0.05 grams or less" and inserting the phrase "less than 0.05 grams" in its place.

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

"(2) If at the time of testing, defendant's alcohol concentration was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100

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milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor.".

TITLE III
CONFORMING AMENDMENTS

Sec. 301. Section 6(f) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4135(f)), is amended by striking the phrase "if it appears that the government has been prejudiced" and inserting the phrase "if the government demonstrates that it has been materially prejudiced" in its place. Note, § 22-4135

Sec. 302. Section 806(b) through (e) 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(b) through (e)), is repealed. Note, § 22-404

TITLE IV
DOMESTIC PARTNERSHIP AND CHILD SUPPORT

Sec. 401. Section 16-801(9)(Z) of the District of Columbia Official Code is amended by striking the phrase "Attempted theft" and inserting the term "Attempted identify theft" in its place.. Note, § 16-801

Sec. 402. Section 16-909 of the District of Columbia Official Code is amended as follows: Note, § 16-909

(a) Subsection (a-1)(2) is amended to read as follows:

"(2) There shall be a presumption that a woman is the mother of a child if she and the child's mother are or have been married, or in a domestic partnership, at the time of either conception or birth, or between conception or birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d)).".

(b) Subsection (e)(2) is amended by adding the following sentence at the beginning of the paragraph: "A donor of semen to a person for artificial insemination, other than the donor's spouse or domestic partner, is not a parent of a child thereby conceived unless the donor and the person agree in writing that said donor shall be a parent.".

Sec. 403. Section 16-916.01(g)(1) of the District of Columbia Official Code is amended to read as follows: Note, § 16-916.01

"(g)(1)(A) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of

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the United States Department of Health and Human Services poverty guideline per year for a single individual. The self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1.

"(B) As of April 1, 2007, the self-support reserve shall be $12,382.

"(C) As of April 1, 2009, the self-support reserve shall be $14,404. The Child Support Services Division of the Office of the Attorney General shall act promptly to ensure that all child support orders entered into on or after April 1, 2009 are modified, as appropriate and as permitted under applicable law, to incorporate the April 1, 2009 adjustment.".

Sec. 404. 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 by adding new paragraphs (4A) and (4B) to read as follows: **Note, § 22-3001**

"(4A) "Domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(4B) "Domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).".

(b) Section 216(b) (D.C. Official Code § 22-3017(b)) is amended by striking the phrase "Marriage between the defendant and victim" and inserting the phrase "That the defendant and victim were married or in a domestic partnership" in its place. **Note, § 22-3017**

Sec. 405. Section 3(h) of the Health Care Benefits Expansion Act of 1992, effective June11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(h)), is amended by inserting the word "District" before the word "government". **Note, § 32-702**

TITLE V
STALKING

Sec. 501. Legislative intent.

(a) The Council finds that stalking is a serious problem in this city and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that can have a long-lasting impact on the victim's quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Council recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has even more serious or lethal consequences.

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(b) The Council enacts this stalking statute to permit the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Council recognizes that stalking includes, but is not limited to, a pattern of following or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

Sec. 502. Definitions.

For the purposes of this title, the term:

(1) "Any device" means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.

(2) "Any means" includes the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device.

(3) "Communicating" means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message.

(4) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

(5) "Financial injury" means the monetary costs, debts, or obligations incurred as a result of the stalking by the specific individual, member of the specific individual's household, a person whose safety is threatened by the stalking, or a person who is financially responsible for the specific individual and includes:

(A) The costs of replacing or repairing any property that was taken or damaged;

(B) The costs of clearing the specific individual's name or his or her credit, criminal, or any other official record;

(C) Medical bills;

(D) Relocation expenses;

(E) Lost employment or wages; and

(F) Attorney's fees.

(6) "Specific individual" or "individual" means the victim or alleged victim of stalking.

(7) "To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:

(A) Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;

(B) Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or

(C) Use another individual's personal identifying information as defined in 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 § 22-3227.01(3)).

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Sec. 503. Stalking.

(a) It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:

(1) With the intent to cause that individual to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress;

(2) That the person knows would cause that individual reasonably to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress; or

(3) That the person should have known would cause a reasonable person in the individual's circumstances to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress.

(b) This section does not apply to constitutionally protected activity.

(c) Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion.

(d) The conduct on each of the occasions need not be the same as it is on the others.

Sec. 504. Penalties.

(a) Except as provided in subsection (b) of this section, a person who violates section 503 shall be fined not more than $1,000, imprisoned for not more than 12 months, or both.

(b) A person who violates section 503 shall be fined not more than $10,000, imprisoned for not more than 5 years, or both, if the person:

(1) At the time, was subject to a court, parole, or supervised release order prohibiting contact with the specific individual;

(2) Has one prior conviction in any jurisdiction of stalking any person within the previous 10 years;

(3) At the time, was at least 4 years older than the specific individual and the specific individual was less than 18 years of age; or

(4) Caused more than $ 2,500 in financial injury

(c) A person who violates section 503 and who has 2 or more prior convictions in any jurisdiction for stalking any person, at least one of which was for a jury demandable offense, shall be fined not more than $ 25,000, imprisoned for not more than 10 years, or both.

(d) A person shall not be sentenced consecutively for stalking and identify theft based on the same act or course of conduct.

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Sec. 505. Jurisdiction.

(a) An offense shall be deemed to be committed in the District of Columbia if the conduct on at least one occasion was initiated in the District of Columbia or had an effect on the specific individual in the District of Columbia.

(b) A communication shall be deemed to be committed in the District of Columbia if it is made or received in the District of Columbia or, if the specific individual lives in the District of Columbia, it can be electronically accessed in the District of Columbia.

TITLE VI

PROFESSIONAL SECURITY

Sec. 601. The Regulation Establishing Standards for Certification and Employment for Security Officers, issued December 1, 1974 (Reg. 74-31; 17 DCMR § 2100 *et seq.*), is amended by repealing section 2127.1 through 2127.5. DCMR

TITLE VII

Sec. 701. The Crime Bill Emergency Amendment Act of 2009, effective June 29, 2009 (D.C. Act 18-129; 55 DCR ___), is repealed.

TITLE VIII

Sec. 801. 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. 802. 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

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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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 6, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to improve the administration of the unemployment compensation program and qualify for federal modernization funding pursuant to the American Recovery and Reinvestment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Administrative Modernization Emergency Amendment Act of 2009".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (54 Stat. 732; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 7(f) (D.C. Official Code § 51-107(f)) is amended to read as follows: Note, § 51-107

"(f) In addition to benefits payable under the foregoing subsections of this section, each eligible individual who is unemployed in any week shall be paid with respect to such week $15 for each dependent relative, but no more than $50 or ½ of the individual's weekly benefit amount, whichever is less, with respect to any one week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual accounts of the employers. An individual's number of dependents shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of such benefit year. The dependent's allowance shall not be taken into consideration in calculating the total amount of benefits in subsection (d) of this section; provided, that this subsection shall not apply to claims for benefit years commencing prior to the effective date of the Unemployment Compensation Administrative Modernization Emergency Amendment Act of 2009, passed on emergency basis on July 31, 2009 (Enrolled version of Bill 18-418), and shall not apply to claims for benefit years commencing after December 31, 2010.".

(b) Section 10 (D.C. Official Code §51-110) is amended by adding a new subsection (j) to read as follows: Note, § 51-110

"(j)(1)(A) Notwithstanding any other provision of this act, an individual who is unemployed within the meaning of this act, who has exhausted all regular unemployment

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benefits provided under this act, including any extensions of benefits, and who is enrolled in, and making satisfactory progress in, a District-approved training program or a job training program authorized under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), shall be eligible for training extension benefits if the Director determines that the following criteria have been met:

"(i) The training prepares the claimant for entry into a high-demand occupation (if the Director determines that the claimant has been separated from employment in a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of unemployment);

"(ii) The claimant is making satisfactory progress towards completing the training as determined by the Director, including the submission of written statements from the training program provider; and

"(iii) The claimant is not receiving similar stipends or other training allowances for non-training costs.

"(B)(i) For the purposes of subparagraph (A)(i) of this paragraph, the terms "declining occupation" and "high-demand occupation" shall be determined by the Director based upon currently available labor market information.

"(ii) For the purposes of subparagraph (A)(iii) of this paragraph, the term "similar stipends" means an amount provided under a program with similar goals, such as providing training to increase employability, and in similar amounts. The stipends for non-training cost allowances shall be treated as "earnings" as defined in this act.

"(2) A claimant who is not subject to the provisions of paragraph (1)(A)(i) of this subsection shall be enrolled in training and making satisfactory progress as the Director may determine will increase the employability of the claimant in the District labor market.

"(3) The weekly training extension benefit amount payable pursuant to this act shall be equal to the claimant's weekly benefit amount for the most recent benefit year less any deductible income as determined by this act. The total amount of training extension benefits payable to a claimant shall not exceed 26 times the claimant's weekly benefit amount of the most recent benefit year.

"(4) If the claimant completes the training program, ceases to be making satisfactory progress, or stops attending the training program, the claimant shall not be eligible for further training extension benefits unless the Director determines that the claimant has resolved the impediment.

"(5) A claimant seeking training extension benefits may apply for the benefits at any time prior to the end of the claimant's initial benefit year or the end of any period of extended benefits.

"(6) No training extension benefits paid pursuant to this act shall be charged to individual employer accounts.".

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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.

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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
August 10, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to temporarily extend the Additional Benefits Program for claimants who have exhausted all other sources of unemployment compensation benefits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Additional Benefits Program Emergency Amendment Act of 2009".

Note, § 51-107

Sec. 2. Section 7(i) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Official Code § 51-107(i)), is amended as follows:

(a) Paragraph (1)(A) is amended to read as follows:

"(A) "Additional benefits period" means a period:

"(i) That begins after August 29, 2009; provided, that the total rate of unemployment in the District, as determined by the United States Secretary of Labor for the week proceeding August 29, 2009, meets or exceeds 6.5%; provided further, that there are no other federally funded or assisted benefit programs in effect in the District that provide benefits to claimants who have exhausted their regular benefits;

"(ii) That ends after January 16, 2010, or the first day of the week prior to January 16, 2010 in which any new federal program is in effect in the District that provides benefits to claimants who have exhausted all prior regular, extended, or federally funded benefits;

"(iii) In which no initial claim for additional benefits is accepted, and no claim for additional benefits is established pursuant to this act, for any week commencing after August 29, 2009, or after January 16, 2010; and

"(iv) In which no claim is paid for any week commencing after January 16, 2010.".

(b) The lead-in language to paragraph (2) is amended as follows:

(1) Strike the number "5" wherever it appears and insert the number "10" in its

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place.

(2) Strike the fourth sentence and insert the sentence "The Additional Benefits Program shall be financed by funds drawn from the Fund or such other funds as may be available to the Director, and benefits paid shall not be charged to the experience rating accounts of employers." in its place.

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 (84 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 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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
August 10, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2009

To amend the Fiscal Year 2009 Budget Request Act to maintain a balanced budget for the fiscal year ending September 30, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Second Fiscal Year 2009 Balanced Budget Request Amendment Act of 2009".

Sec. 2. Pursuant to sections 442(c) and 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code §§ 1-204.42(c) and 1-204.46), Division A of the Fiscal Year 2009 Budget Request Act, signed by the Mayor on June 18, 2008 (D.C. Act 17-409; 55 DCR 6990), is amended as follows:

(a) Title II is amended to read as follows:

"TITLE II--DISTRICT OF COLUMBIA FUNDS--SUMMARY OF EXPENSES

"The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2009 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or$9,784,948,000 (of which $5,902,522,000 shall be from local funds (including $401,402,000 from dedicated taxes), $2,177,382,000 shall be from Federal grant funds,$1,698,735,000 shall be from other funds, and $6,310,000 shall be from private funds); in addition, $156,874,000 from funds previously appropriated in this Act as Federal payments; provided further, that of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance; provided further, that of these funds the District's intra-District authority shall be $725,461,000; in addition, for capital construction projects, an increase of $1,526,477,000 of which $1,165,234,000 shall be from local funds, $107,794,000 from the Local Street Maintenance fund, $60,708,000 from the District of Columbia Highway Trust Fund, $192,741,000 from Federal grant funds, and a rescission of $400,060,000 from local funds and a rescission of $37,500,000 from Local Street Maintenance

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funds appropriated under this heading in prior fiscal years for a net amount of $1,088,917,000 to remain available until expended; provided further, that the amounts provided under this heading are to be available, allocated, and expended as proposed under Title III of this Act, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia in June 2008 and amended by the Second Fiscal Year 2009 Balanced Budget Request Amendment Act of 2009; provided further, that this amount may be increased by proceeds of one-time transactions that are expended for emergency or unanticipated operating or capital needs; provided further, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), as amended by this Act; provided further, that the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2009; except, that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.".

(b) Title III is amended as follows:

(1) The Operating Expenses division is amended to read as follows:

"OPERATING EXPENSES

"Government Direction and Support

"Governmental direction and support, $422,341,000 (including $344,737,000 from local funds, $25,196,000 from Federal grant funds, and $52,408,000 from other funds); provided, that beginning in fiscal year 2009 and thereafter, there are appropriated such amounts as may be necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor; provided further, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia. Funds to be allocated as follows:

"(1) Council of the District of Columbia. – $20,396,000 from local funds; provided, that not to exceed $10,600 shall be available for the Chairman of the Council of the District of Columbia from this appropriation for official reception and representation expenses;

"(2) Office of the District of Columbia Auditor. – $4,036,000 from local funds;

"(3) Advisory Neighborhood Commission. – $1,092,000 from local funds;

"(4) Office of the Mayor. – $6,086,000 from local funds; provided, that not to exceed $10,600 shall be available for the Mayor from this appropriation for official reception and representation expenses;

"(5) Office of Community Affairs. – $3,049,000 from local funds;

"(6) Serve DC. – $3,734,000 (including $410,000 from local funds and $3,323,000 from Federal grant funds);

"(7) Office of the Secretary. – $3,903,000 (including $3,341,000 from local funds

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and $562,000 from other funds);

"(8) City Administrator. – $5,864,000 from local funds; provided, that not to exceed $10,600 shall be available for the City Administrator from this appropriation for official reception and representation expenses;

"(9) Office of Risk Management. – $1,480,000 from local funds;

"(10) Department of Human Resources. – $9,560,000 (including $9,154,000 from local funds and $406,000 from other funds);

"(11) Office of Disability Rights. – $1,371,000 from local funds;

"(12) Office of Finance and Resource Management. – $4,471,000 from local funds;

"(13) Office of Partnership and Grants Services. – $897,000 from local funds;

"(14) Office of Contracting and Procurement. – $6,370,000 (including $5,344,000 from local funds and $1,026,000 from other funds);

"(15) Office of Chief Technology Officer. – $54,848,000 (including $54,748,000 from local funds and $100,000 from other funds);

"(16) Office of Property Management. – $25,601,000 (including $17,280,000 from local funds and $8,321,000 from other funds); provided, that, beginning in fiscal year 2009, amounts on deposit within and any such future deposits into the Commodities Cost Reserve Fund, established under D.C. Official Code § 47-368.04, shall be available upon deposit and shall remain available until expended, consistent with the purposes established under D.C. Official Code § 47-368.04(b);

"(17) Contract Appeals Board. – $972,000 from local funds;

"(18) Board of Elections and Ethics. – $5,334,000 from local funds;

"(19) Office of Campaign Finance. – $1,721,000 from local funds;

"(20) Public Employee Relations Board. – $980,000 from local funds;

"(21) Office of Employee Appeals. – $1,778,000 from local funds;

"(22) Metropolitan Washington Council of Governments. – $396,000 from local funds;

"(23) Office of the Attorney General. – $86,829,000 (including $63,376,000 from local funds, $19,001,000 from Federal grant funds, and $4,452,000 from other funds); provided, that not less than $3,285,000 shall be available from this appropriation for the Office of the Attorney General to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents pursuant to the Civil Legal Services Amendment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114); provided further, that not less than $315,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203; D.C. Official Code § 1-308.21 *et seq.*);

"(24) Office of the Inspector General. – $16,853,000 (including $14,858,000 from local funds and $1,995,000 from Federal grant funds); and

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"(25) Office of the Chief Financial Officer. – $154,721,000 (including $116,303,000 from local funds, $878,000 from Federal grant funds, and $37,541,000 from other funds); provided, that not to exceed $10,600 shall be available for the Chief Financial Officer of the District from this appropriation for official reception and representation expenses; provided further, that amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia.

"Economic Development and Regulation

"Economic development and regulation, $482,511,000 (including $244,173,000 from local funds (including $33,356,000 from dedicated taxes), $99,849,000 from Federal grant funds, $138,409,000 from other funds, and $80,000 from private funds) of which $25,000,000 collected by the District of Columbia in the form of Business Improvement District ("BID") tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*); provided, that such funds are available for acquiring services provided by GSA; provided further, that Business Improvement Districts shall be exempt from taxes levied by the District of Columbia; provided further, that notwithstanding Title II of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.01 *et seq.*) ("Ballpark act"), the amounts appropriated herein shall include $23,409,000 in local funds (representing the amount available on deposit in the Ballpark Community Benefit Fund established by section 202 of the Ballpark act), which shall be available for the purpose of providing summer employment opportunities to District youth. Funds to be allocated as follows:

"(1) Deputy Mayor for Economic Development. – $80,579,000 (including $47,819,000 from local funds (including $16,998,000 from dedicated taxes) and $32,760,000 from other funds); provided, that $4,000,000 from local funds shall remain available until expended for New Communities Human Capital;

"(2) Office of Planning. – $9,873,000 (including $9,408,000 from local funds, $450,000 from Federal grant funds, and $15,000 from other funds); provided, that of the local funds provided to the Office of Planning in fiscal year 2008 for Historic Preservation, $1,000,000 shall remain available until expended;

"(3) Department of Small and Local Business Development. – $3,177,000 from local funds; provided, that amounts appropriated herein may be increased by the balance of amounts on deposit as of October 1, 2008 in the Small Business Micro Loan Fund established by section 2375 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-218.75);

"(4) Office of Motion Pictures and Television. – $652,000 from local funds; provided, that of the local funds provided to the Office of Motion Pictures and Television in fiscal year 2008 for DC Film grant initiative, up to $1,600,000 shall remain available until expended;

"(5) Office of Zoning. – $3,137,000 from local funds;

"(6) Department of Housing and Community Development. – $84,583,000

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(including $16,040,000 from local funds, $63,877,000 from Federal grant funds, and $4,666,000 from other funds);

"(7) Department of Employment Services. – $151,480,000 (including $81,536,000 from local funds, $34,739,000 from Federal grant funds, $35,124,000 from other funds, and $80,000 from private funds); provided, that of the local funds appropriated, up to 1% may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code § 4-1345.03; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended; provided further, that the District is authorized to transfer, either through a grant or as a direct payment, $3,800,000 in local and other funds to an educational institution with an automotive workforce development training program, which provides vocational training in the field of automotive technology for at-risk youth and adults;

"(8) Board of Real Property Assessment and Appeals. – $708,000 from local funds;

"(9) Department of Consumer and Regulatory Affairs. – $36,938,000 (including $17,649,000 from local funds and $19,288,000 from other funds);

"(10) Office of the Tenant Advocate. – $2,530,000 (including $842,000 from local funds and $1,688,000 from other funds);

"(11) Commission on Arts and Humanities. – $14,166,000 (including $13,165,000 from local funds, $601,000 from Federal grant funds, and $400,000 from other funds);

"(12) Alcoholic Beverage Regulation Administration. – $6,441,000 (including $196,000 from local funds and $6,245,000 from other funds);

"(13) Public Services Commission. – $9,972,000 (including $182,000 from Federal grant funds and $9,790,000 from other funds);

"(14) Office of the People's Counsel. – $5,025,000 from other funds;

"(15) Department of Insurance, Securities, and Banking. – $16,318,000 from other funds; provided, that of the local funds provided the Department of Insurance, Securities, and Banking in fiscal year 2008 for Captive Insurance, $8,700,000 shall remain available until expended;

"(16) Office of Cable Television. – $7,089,000 from other funds;

"(17) Housing Authority Subsidy Payment. – $30,983,000 from local funds;

"(18) Housing Production Trust Fund Subsidy Payment. – $16,358,000 from local funds (including $16,358,000 from dedicated taxes); and

"(19) Sports Commission Subsidy Payment. – $2,500,000 from local funds.

"Public Safety and Justice

"Public safety and justice, $1,269,602,000 (including $938,129,000 from local funds, $260,786,000 from Federal grant funds, $70,601,000 from other funds, and $85,000 from private funds); in addition, $1,774,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council" and $5,000,000, to remain available until September 30, 2011, from funds previously appropriated in this Act under the

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heading ``Federal Payment to Reimburse the Federal Bureau of Investigation"; provided, that notwithstanding section 15(d) of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 (vehicle insurance act"), effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(d)), funds collected in fiscal year 2009 pursuant to section 15 of the vehicle insurance act shall be deposited as local funds revenue. Funds to be allocated as follows:

"(1) Metropolitan Police Department. – $474,690,000 (including $458,842,000 from local funds, $3,067,000 from Federal grant funds, $12,696,000 from other funds, and $85,000 from private funds) and $5,000,000, to remain available until September 30, 2011, from funds previously appropriated in this Act under the heading ``Federal Payment to Reimburse the Federal Bureau of Investigation"; provided, that not to exceed $750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime;

"(2) Fire and Emergency Medical Services. – $189,389,000 (including $188,565,000 from local funds and $824,000 from other funds);

"(3) Police Officers and Firefighters Retirement System. – $106,000,000 from local funds;

"(4) Department of Corrections. – $149,276,000 (including $115,588,000 from local funds and $33,688,000 from other funds);

"(5) District of Columbia National Guard. – $8,358,000 (including $3,371,000 from local funds and $4,987,000 from Federal grant funds); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this Act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved;

"(6) Homeland Security and Emergency Management. – $249,292,000 (including $4,365,000 from local funds and $244,927,000 from Federal grant funds);

"(7) Commission on Judicial Disabilities and Tenure. – $271,000 from local funds;

"(8) Judicial Nomination Commission. – $152,000 from local funds;

"(9) Office of Police Complaints. – $2,619,000 from local funds;

"(10) District of Columbia Sentencing and Criminal Code Review Commission. – $779,000 from local funds;

"(11) Office of the Chief Medical Examiner. – $9,824,000 (including $9,550,000 from local funds and $274,000 from other funds);

"(12) Officer of Administrative Hearings. – $7,751,000 (including $7,719,000 from local funds and $32,000 from other funds);

"(13) Corrections Information Council. – $25,000 from local funds;

"(14) Criminal Justice Coordinating Council. – $404,000 from local funds; in

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addition, $1,774,000 from funds previously appropriated in this Act under the heading ``Federal Payment to the Criminal Justice Coordinating Council";

"(15) Forensic Laboratory Technician Training Program. – $1,285,000 from local funds;

"(16) Office of Unified Communications. – $46,890,000 (including $33,701,000 from local funds and $13,189,000 from other funds);

"(17) Office of Victims Services.– $15,927,000 (including $3,988,000 from local funds, $2,040,000 from Federal grant funds, and $9,899,000 from other funds); and

"(18) Office of Justice Grants Administration. – $6,670,000 (including $905,000 from local funds and $5,765,000 from Federal grant funds).

"Public Education System

"Public Education System, including the development of national defense education programs, $1,590,453,000 (including $1,383,305,000 from local funds, $170,889,000 from Federal grant funds, $32,420,000 from other funds, and $3,839,000 from private funds); in addition, $35,100,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support", $36,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia," and $20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Jump-Start Public School Reform," to be allocated as follows:

"(1) District of Columbia Public Schools.— $567,655,000 (including $550,686,000 from local funds, $9,514,000 from Federal grant funds, $3,671,000 from other funds, and $3,784,000 from private funds); in addition, $18,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement" and $20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Jump-Start Public School Reform" shall be available for District of Columbia Public Schools; provided, that this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2009 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 % of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Chancellor of the District of Columbia Public Schools); provided further, that not to exceed $10,600 for the Chancellor shall be available from this appropriation for official reception and representation expenses; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2010;

"(2) Office of the State Superintendent of Education.— $288,646,000 (including

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$117,544,000 from local funds, $160,535,000 from Federal grant funds, and $10,567,000 from other funds); in addition, $35,100,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support" shall be available for the Office of the State Superintendent of Education and $18,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for the Office of the State Superintendent of Education; provided, that of the amounts provided to the Office of the State Superintendent of Education, $1,000,000 from local funds shall remain available until June 30, 2010, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided further, that $5,000,000 in local funds shall remain available until expended for the *Blackman and Jones v. District of Columbia* consent decree; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Office of the State Superintendent of Education on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the Office of the State Superintendent of Education in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for Office of the State Superintendent of Education under the District of Columbia Appropriations Act, 2010; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency, under the direction of the Office of the State Superintendent of Education, on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the Special Education Transportation agency in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency under the District of Columbia Appropriations Act, 2010; provided further, that any unspent funds from the $960,000 available for pre-kindergarten from a prior fiscal year shall remain available until expended;

"(3) District of Columbia Public Charter Schools.— $359,601,000 from local funds shall be available for District of Columbia public charter schools; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)); provided further, that of the amounts made available to District of Columbia public charter schools, $100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(5)); provided further, that notwithstanding the amounts otherwise provided under this heading or any

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other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2009, an amount equal to 25 % of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2010; provided further, that the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school;

"(4) University of the District of Columbia Subsidy.— $62,070,000 from local funds shall be available for the University of the District of Columbia subsidy; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2009, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2010; provided further, that not to exceed $10,600 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses;

"(5) District of Columbia Public Libraries.— $46,064,000 (including $44,725,000 from local funds, $840,000 from Federal grant funds, $444,000 from other funds, and $55,000 from private funds) shall be available for the District of Columbia Public Libraries; provided, that not to exceed $8,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses;

"(6) Public Charter School Board. –$3,460,000 (including $1,660,000 from local funds and $1,800,000 from other funds);

"(7) Office of the Deputy Mayor for Education. –$4,892,000 from local funds; provided, that amounts appropriated herein shall be increased by $4,000,000, the amount currently on deposit in the Integrated Services Fund September 30, 2008, to remain available until expended and increased by funds appropriated elsewhere in this Act for transfer to the Integrated Service Fund for the purposes set forth in D.C. Official Code § 4-1345.03;

"(8) Office of Public Education Facilities Modernization. – $40,806,000 (including $24,868,000 from local funds and $15,938,000 from other funds);

"(9) Non-Public Tuition. – $141,700,000 from local funds; and

"(10) Special Education Transportation. – $75,558,000 from local funds.

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"Human Support Services

"Human support services, $3,095,144,000 (including $1,482,785,000 from local funds (including $16,449,000 from dedicated taxes), $1,579,242,000 from Federal grant funds, $32,002,000 from other funds, $1,114,000 from private funds); provided, that up to 1% of the local funds appropriated for the Child Family and Services Agency, the Department of Health, the Department of Human Services, the Department of Mental Health, and the Department of Youth Rehabilitation Services may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code 4-1345.03; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended. Funds to be allocated as follows:

"(1) Department of Human Services. – $327,779,000 (including $168,330,000 from local funds, $156,558,000 from Federal grant funds, $2,800,000 from other funds, and $91,000 from private funds);

"(2) Child and Family Services. – $260,796,000 (including $229,025,000 from local funds, $30,998,000 from Federal grant funds, $750,000 from other funds, and $23,000 from private funds);

"(3) Department of Mental Health. – $218,861,000 (including $209,487,000 from local funds, $5,566,000 from Federal grant funds, and $3,808,000 from other funds);

"(4) Department of Health – $246,806,000 (including $95,335,000 from local funds, $137,096,000 from Federal grant funds, and $14,375,000 from other funds; provided, that any funds deposited into the Effi Slaughter Barry Initiative Fund shall remain available until expended; provided further, that any funds deposited into the Health Professional Recruitment Fund, including unspent funds from prior fiscal years, shall remain available until expended;

"(5) Department of Parks and Recreation. –$53,805,000 (including $50,313,000 from local funds, $2,492,000 from other funds, and $1,000,000 from private funds);

"(6) Office on Aging. – $23,576,000 (including $16,975,000 from local funds and $6,601,000 from Federal grant funds);

"(7) District of Columbia Unemployment Compensation Fund. – $6,700,000 from local funds;

"(8) Disability Compensation Fund. –$16,030,000 from local funds to remain available until expended;

"(9) Office of Human Rights. – $3,155,000 (including $2,700,000 from local funds and $455,000 from Federal grant funds);

"(10) Office of Latino Affairs. – $4,545,000 from local funds;

"(11) Children Investment Trust Fund. – $18,460,000 from local funds;

"(12) Office on Asian and Pacific Islander Affairs. – $948,000 from local funds;

"(13) Office of Veterans Affairs. – $415,000 from local funds;

"(14) Department of Youth Rehabilitation Services. – $82,343,000 from local funds; provided, that amounts appropriated herein may be expended to implement the provisions of the On-site Meal Expenses Amendment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602);

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"(15) Department on Disability Services. – $126,836,000 (including $94,953,000 from local funds, $26,083,000 from Federal grant funds, and $5,800,000 from other funds); and

"(16) Department of Healthcare Finance. – $1,704,089,000 (including $486,227,000 from local funds (including $16,449,000 from dedicated taxes), $1,215,885,000 from federal grant funds, and $1,977,000 from other funds); provided, that any funds deposited into the Healthy DC Fund, including unspent funds from prior fiscal years, shall remain available until expended; provided further, that any funds deposited into the Nursing Home Quality of Care Fund, including unspent funds from prior fiscal years, shall remain available until expended.

"Public Works

"Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $621,437,000 (including $426,733,000 from local funds (including $11,420,000 from dedicated taxes), $22,932,000 from Federal grant funds, $300,000 from private funds, and $171,472,000 from other funds, to be allocated as follows:

"(1) Department of Public Works. – $135,512,000 (including $122,117,000 from local funds and $13,395,000 from other funds);

"(2) Department of Transportation. – $127,190,000 (including $14,729,000 from local funds (including $11,420,000 from dedicated taxes), $3,200,000 from Federal grant funds, and $109,261,000 from other funds);

"(3) Department of Motor Vehicles. – $41,251,000 (including $27,927,000 from local funds and $13,324,000 from other funds);

"(4) Department of the Environment. – $77,080,000 (including $22,178,000 from local funds, $19,732,000 from Federal grant funds, $34,869,000 from other funds, and $300,000 from private funds);

"(5) Taxi Cab Commission. – $1,927,000 (including $1,304,000 from local funds and $623,000 from other funds);

"(6) Washington Metropolitan Area Transit Commission. – $113,000 from local funds;

"(7) Washington Metropolitan Area Transit Authority. – $230,499,000 from local funds; and

"(8) School Transit Subsidies. – $7,866,000 from local funds.

"Financing and Other

"Financing and Other, $876,593,000 (including $842,656,000 from local funds (including $165,624,000 from dedicated taxes) and $33,938,000 from other funds), to be allocated as follows:

"(1) Repayment of Loans and Interest. – for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1204.62, 1-204.75, and 1-204.90), $439,727,000 (including $436,630,000 from local funds

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(including $3,580,000 from dedicated taxes) and $3,097,000 from other funds);

"(2) Short-Term Borrowing. – $7,385,000 from local funds for payment of interest on short-term borrowing;

"(3) Certificates of Participation. – for principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $32,541,000 from local funds;

"(4) Debt Issuance Costs. – for the payment of debt service issuance costs, $15,000,000 from local funds;

"(5) School Modernization Fund. – for a School Modernization Fund, $8,613,000 from local funds;

"(6) Revenue Bonds. – for the repayment of revenue bonds, $6,000,000 from local funds (including $6,000,000 from dedicated taxes);

"(7) Settlements and Judgments. – $21,477,000 from local funds; provided, that this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act;

"(8) Wilson Building. – for expenses associated with the John A. Wilson building, $4,058,000 from local funds;

"(9) Workforce Investments. – for workforce investments, $23,891,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable; provided, that of this amount, $4,952,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Emergency Approval Resolution of 2006, effective September 19, 2006 (Res. 16-794; 53 DCR 7742);

"(10) Non-Departmental. – to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, $39,279,000 (including $10,438,000 from local funds that shall remain available to cover any lease costs that may remain from the District's lease at 225 Virginia Avenue and $28,841,000 from other funds to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act);

"(11) Emergency Planning and Security Fund. – $15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia"; provided, that notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" to this local appropriations heading;

"(12) Equipment Lease Operating. – $38,533,000 from local funds;

"(13) Pay-As-You-Go Capital funds. – in lieu of capital financing,$108, 946,000 (including $106,946,000 from local funds (including $106,000,000 from dedicated taxes), and $2,000,000 from other funds to be transferred to the Capital Fund);

(14) District Retiree Health Contribution. – for a District Retiree Health

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Contribution, $81,100,000 from local funds;

"(15) Baseball Revenue. – $50,044,000 from dedicated taxes derived from a dedicated tax to account for the inflows and outflows of both operating and capital dollars; in addition, the amounts appropriated herein may be increased by such amounts as may be necessary and as are consistent with the Ballpark Omnibus Financing And Revenue Act of 2004, effective April 08, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 *et seq.*), to pay debt service, and to maintain and replenish required reserves for baseball revenue bonds;

"(16) Tax Increment Financing. – the amounts appropriated herein may be increased by an amount not to exceed $9,712,000 from the District's General Fund balance for a Tax Increment Financing program as may be necessary to meet the Tax Increment Financing requirements; and

"(17) Emergency and Contingency Funds. – For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), the amounts appropriated herein may be increased by such additional amounts from the funds of the District government as are necessary to meet the balance requirements for such funds under section 450A.".

(2) The Enterprise and Other Funds division is amended by striking the number "$180,000,000" appropriated for the Unemployment Insurance Trust Fund and inserting the number "$265,000,000" in its place.

(3) The Capital Outlay division is amended to read as follows:

"CAPITAL OUTLAY

"For capital construction projects, an increase of $1,526,477,000 of which $1,165,234,000 shall be from local funds, $107,794,000 from the Local Street Maintenance fund, $60,708,000 from the District of Columbia Highway Trust Fund, $192,741,000 from Federal grant funds, and a rescission of $400,060,000 from local funds and a rescission of $37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of $1,088,917,000 to remain available until expended; in addition, $7,000,000 to remain available until expended from funds previously appropriated in this Act under the heading "Federal Payment for Central Library and Branch Location" and $5,000,000 to remain available until September 30, 2010 from funds previously appropriated in this Act under the heading "Federal Payment for Consolidated Laboratory Facility"; provided, that funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System; provided further, that all funds provided by this appropriation title shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this heading may be increased by the amount transferred from funds appropriated in this Act as Pay-As-You-Go Capital funds and by $43,500,000 of other funds, derived from the sale of the former Department of Employment Services building, which shall be allocated to the Government Centers capital project for the purpose of constructing a new headquarters for the Department of Employment Services; provided further, that $33,500,000 of General Obligation

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Bond allotments are reallocated from PL106C to the following projects: $4,600,000 for cell door replacement at the Central Detention Facility (CR002C); $3,125,000 to the New Mental Health Hospital (HX501C) temporary power distribution at the Saint Elizabeths campus; $1,900,000 for the Evidence Warehouse; $4,250,000 to the Consolidated Forensics Laboratory (AA338C); $1,400,000 to the Kenilworth Parkside Recreation Center (QG638C); $12,350,000 for the purchase and renovation of 3 Boys and Girls Clubs (QJ901); $800,000 to Bald Eagle Recreation Center (R6701C); $2,100,000 for improvements to Raymond Recreation Center (QM601); $2,475,000 for the purposes set forth in section 2(b) of the Washington Metropolitan Area Transit Authority Fund Amendment Act of 2009, effective June 16, 2006 (D.C. Law 16-132; 53 DCR 4427) ("WMATA act"); $500,000 for the Community Action facility at 5th and Florida Avenue N.E.; and any remaining balance that is unencumbered and unexpended on July 30, 2009 and not encumbered pursuant to section 1021 of the Reallocation of Capital Budget Funding Emergency Act of 2009, passed on emergency basis on July 31, 2009 (Enrolled version of Bill 18-409), in PL106C not required to complete the DOES headquarters or its access and grounds or the Washington Metropolitan Area Transit Authority parking garage shall be reserved for the purposes of the WMATA act.".

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 10, 2009

RE-ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Fall Supp.

West Group Publisher

To amend the Washington Convention Center Authority Act of 1994 to modify the date on which rent will start to be paid under the ground lease, to authorize the District to assign ground lease rent payments to the Washington Convention Center Authority, to exempt the airspace lease entered into in connection with the hotel from the recordation tax, to provide for participation requirements for certified business enterprises and apprentices in the construction of the new convention center hotel, to provide for the creation of employment for District residents as a result of the construction of the new convention center hotel, and to provide for an internship program at the new convention center hotel for Hospitality High School of Washington, D.C., students; to amend the New Convention Center Hotel Omnibus Financing and Development Act of 2006 to increase the maximum amount of TIF bonds that the Washington Convention Center Authority is authorized to issue, to provide for the repayment to the Washington Convention Center Authority of funding in the amount of $25 million, to authorize the Mayor to designate recovery zones, and to designate Square 370 as a recovery zone, pursuant to federal law; and to approve the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center, and HQ Hotel, L.L.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Amendment Act of 2009".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 201(7) (D.C. Official Code § 10-1202.01(7)) is amended to read as follows: **Amend § 10-1202.01**

"(7) "New convention center hotel" means a hotel to be constructed on the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N. W.".

(b) Section 204(a-1)(2)(C) (D.C. Official Code § 10-1202.04(a-1)(2)(C)) is amended by striking the phrase "property of the Authority" and inserting the phrase "property of the **Amend § 10-1202.04**

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Authority (including lease payments assigned to the Authority pursuant to section 702)" in its place.

(c) Section 210(a) (D.C. Official Code § 10-1202.10(a)) is amended by striking the phrase "new convention center" and inserting the phrase "new convention center or certain costs of the new convention center hotel" in its place. Amend § 10-1202.10

(d) Section 218 (D.C. Official Code § 10-1202.18) is amended as follows: Amend § 10-1202.18

(1) Subsection (h-1) is amended as follows:

(A) Strike the phrase "Walter E. Washington Convention Center Headquarters Hotel ("Headquarters Hotel")" and insert the phrase "new convention center hotel" in its place.

(B) Strike the phrase "Headquarters Hotel" and insert the phrase "new convention center hotel" in its place.

(2) Subsection (i) is amended by striking the phrase "Headquarters Hotel" and inserting the phrase "new convention center hotel" in its place.

(e) Section 702 (D.C. Official Code § 10-1202.22) is amended as follows: Amend § 10-1202.22

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "Lots 18, 21, 801 through 806, 830 through 839, 843, and 845 in Square 370" and inserting the phrase "a portion of Lot 26 (formerly known as Lots 18, 21, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place.

(B) Paragraph (1) is amended by striking the phrase "in the 4th year of operations" and inserting the phrase "on the 3rd anniversary of operations" in its place.

(C) Paragraph (4) is amended by striking the phrase "a loan for the new convention center hotel" and inserting the phrase "debt financing as permitted under the Hotel Development and Funding Agreement and lease" in its place.

(3) A new subsection (b) is added to read as follows:

"(b) Notwithstanding any other provision of law, the Mayor may assign the annual lease payments required by subsection (a) of this section to the Authority.".

(f) Section 703 (D.C. Official Code § 10-1202.23) is amended by striking the phrase "Lots 22 and 24, Square 370" and inserting the phrase "a portion of Lot 26 (formerly known as Lots 22 and 24), Square 370" in its place. Amend § 10-1202.23

(g) Section 704 (D.C. Official Code § 10-1202.24) is amended by adding a sentence at the end to read as follows: "The recording of any airspace lease executed pursuant to this section among the land records of the District of Columbia shall be exempt from the recordation tax imposed by section 303 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103).". Amend § 10-1202.24

(h) Section 801(1) (D.C. Official Code § 10-1202.31(1)) is amended by striking the Amend

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phrase "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370" and inserting the phrase "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place.". § 10-1202.31

(i) A new Title IX is added to read as follows:

"TITLE IX. PROVISIONS RELATING TO THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL

"Sec. 901. Construction contracting requirements.

"(a) HQ Hotel, L.L.C., shall comply with the negotiated terms and conditions of the Certified Business Enterprise Utilization and Participation Agreement by and between the District of Columbia Department of Small and Local Business Development and HQ Hotel, L.L.C., which was agreed to and executed on May 1, 2009, and shall, at a minimum, contract with certified business enterprises for at least 35% of the adjusted development budget, as defined in the agreement, and require at least 20% non-institutional equity, as defined in the agreement, and 20% development participation of local, small, and disadvantaged business enterprises, all as subject to the terms of the agreement and applicable law.

"(b) HQ Hotel, L.L.C., shall submit a certified business enterprises implementation forecasting plan to the Council on or before September 30, 2009. The plan shall include the following:

"(1) The total amount to be paid for the construction of the new convention center hotel;

"(2) The total amount to be expended for each construction division;

"(3) The amount of each contract in each construction division;

"(4) The contractor and the amount of the contract;

"(5) Each subcontractor and the amount of the contract for each subcontractor;

"(6) The certified business enterprises participation as contractor or subcontractor and the amount of the contracts;

"(7) The amount equal to the certified business enterprises participation goal of 35% of contractor or subcontractor contracts;

"(8) A method of tracking the certified business enterprises participation and the amount of each contract from committed, to awarded, to paid;

"(9) A method of monitoring the certified business enterprises participation against the certified business enterprises forecast;

"(10) A system of remediation for any shortfalls in the certified business enterprises participation; and

"(11) A senior manager with the general contractor that has operational responsibility for meeting the certified business enterprises participation for the construction of the new convention center hotel.

"Sec. 902. First Source Agreement required.

"HQ Hotel, L.L.C., shall enter into a First Source Agreement with the District that shall

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govern certain obligations of HQ Hotel, L.L.C., pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction of the new convention center hotel.

"Sec. 903. Construction apprenticeship programs.

"(a) HQ Hotel, L.L.C., shall enter into an agreement that requires that:

"(1) Contractors and subcontractors participate in apprenticeship programs that:

"(A) Meet the standards set forth in Chapter 11 of Title 7 of the District of Columbia Municipal Regulations;

"(B) Have an apprenticeship program that is registered with the District of Columbia Apprenticeship Council;

"(2)(A) At least 25% of the total journey workers hours performed on the construction of the new convention center hotel shall be performed by journey workers that are District residents.

"(B)(i) If a contractor or subcontractor performing work on construction of the new convention center hotel is unable to identify and hire a bona fide District of Columbia resident for any of the trade work as a journey worker for the construction of the new convention center hotel, the contractor or subcontractor shall contact the Department of Employment Services ("DC DOES") to request a list of District residents for the work.

"(ii) All journey workers identified by DC DOES that are District residents shall be referred to the contractor or subcontractor making the request.

"(iii) If no District residents can be identified by DC DOES to fulfill the request for a journey worker after 48 hours, the contractor or subcontractor may employ applicants from any other available source.

"(3)(A) At least 60% of all apprenticeship hours by trade performed pursuant to the apprenticeship programs required by section 5 of the Amendments to An Act To Provide Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 2-1431), shall be performed by District residents.

"(B) The DC DOES Office of Apprenticeship may grant a waiver to a contractor or subcontractor if it is not able to meet the apprenticeship requirements by trade;

"(4)(A) At least 60% of all skilled and unskilled laborer hours for the construction of the new convention center hotel shall be performed by District residents.

"(B) For the purposes of this section, skilled laborer and unskilled laborers positions shall be defined by 40 U.S.C. §§ 3141 through 3144, 3146, and 3147;

"(5)(A) Any contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this section shall be subject to a monetary penalty in the amount of 5% of the direct or indirect labor costs of the contract.

"(B) Penalties shall be imposed by the Mayor and all money collected from the penalties shall be deposited into the Get D.C. Residents Training for Jobs Now Career

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Technical Training Fund, established by section 2061(b) of the Fiscal Year 2010 Budget Support Act of 2009, passed on 3rd reading on July 31, 2009 (Second Engrossed version of Bill 18-203).

"(b) The general contractor for the construction of the new convention center hotel shall deliver a workforce implementation plan to the Council on or before September 30, 2009. The plan shall include:

"(1) The total number of hours to be worked on the project by trade;

"(2) The total number of journey worker hours on the project and the total number of journey worker hours to be worked by District residents;

"(3) The total number of apprentice hours by trade and the total number of apprentice hours, by trade, to be worked by District residents;

"(4) The total number of skilled and unskilled laborer work hours to be worked and the total number of hours to be worked by District residents;

"(5) A timetable and critical path of the total work hours by trade for the construction of the new convention center hotel over 42 months;

"(6) Establishment of a workforce database of District residents that will provide contractors and subcontractors with a list of journey workers, apprentices, skilled laborers, and unskilled laborers;

"(7) A schedule for a stakeholders working group, including the Chair of the Committee on Economic Development, an Independent, At-Large Councilmember that serves on the Committee of Housing and Workforce Development, or their designees, and representatives from the First Source Agreement Program, the Office of Apprenticeship Information and Training, the Department of Small and Local Business Development, the Washington Convention Center Authority, HQ Hotel, L.L.C., and the general contractor to review and discuss the progress of the workforce mandates;

"(8) An established monitoring process, approved by DC DOES, of all contractors and subcontractors through their certified payrolls, which process shall include a monthly monitoring report including hours worked by District residents and the amount paid to District residents for each trade;

"(9) A remediation strategy to ameliorate any workforce problem encountered with contractors and subcontractors; and

"(10) A senior official from the general contractor who will be responsible for implementing the workforce mandates of this title.

"Sec. 904. Internship program.

"The operator of the new convention center hotel, the Hospitality High School of Washington, D.C., and the District of Columbia Hotel Association shall create an internship program for the Hospitality High School of Washington, D.C., students at the new convention center hotel.".

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Sec. 3. The New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; D.C. Official Code § 10-1221.01 *et seq.*), is amended as follows:

Amend § 10-1221.01

(a) Section 101(16) (D.C. Official Code § 10-1221.01(16) is amended to read as follows:

"(16) "New Convention Center Hotel Site" means the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W.".

Amend § 10-1221.03

(b) Section 103(b)(2) (D.C. Official Code § 10-1221.03(b)(2)) is amended to read as follows:

"(2)(A) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, the excess shall be transferred as follows:

"(i) Until the Authority has been reimbursed in full for the Additional WCCA Funding, the first $1 million of such excess in any fiscal year of the District shall be transferred to the Authority; and

"(ii) Following any transfer to the Authority required by sub-subparagraph (i) of this subparagraph, if there are excess funds in the New Convention Center Hotel Fund, 50% of the excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center and 50% of the excess shall be transferred to the General Fund of the District of Columbia pursuant to subsection (c) of this section.

"(B) For the purposes of this section, the term "Additional WCCA Funding" means the payment of $25 million to the developer of the New Convention Center Hotel for the costs of the development and construction of the New Convention Center Hotel not paid from the proceeds of the bonds or the $22 million payment by the Authority.".

Amend § 10-1221.04

(c) Section 104(a) (D.C. Official Code § 10-1221.04(a)) is amended by striking the phrase "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370" and inserting the phrase "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place.

Amend § 10-1221.05

(d) Section 105(a) (D.C. Official Code § 10-1221.05(a)) is amended as follows:

(1) The lead-in text is amended by striking the phrase "not to exceed $187 million. The net proceeds shall be used" and inserting the phrase "sufficient to provide net proceeds" in its place.

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

"(1) An amount not to exceed $159 million for the costs of the project; and".

(e) New sections 113a and 113b are added to read as follows:

"Sec. 113a. Recovery zone designation.

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"(a) The Mayor may designate recovery zones pursuant to sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, approved February 17, 2009 (123 Stat. 348; 26 U.S.C. §§ 1400U-1, 1400U-2, and 1400U-3).

"(b) Square 370, having been determined to be an area of general distress, is designated as a recovery zone.

"Sec. 113b. Federal recovery act reimbursement requirement.

"If the District or the Authority receive reimbursement, subsidy, or TIF debt service relief in excess of the funds required by the bond covenant authorized by this act, pursuant to the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note), the revenue and relief shall be credited to the District and shall be deposited in the General Fund of the District of Columbia.".

Sec. 4. Contract approval.

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center Authority, and HQ Hotel, L.L.C., as revised, as both a multiyear contract and a contract involving expenditures in excess of $1 million during a 12-month period.

Sec. 5. 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. 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), 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
August 12, 2009

RE-ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-186

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Fall Supp.

West Group Publisher

To amend, on an emergency basis, the Washington Convention Center Authority Act of 1994 to modify the date on which rent will start to be paid under the ground lease, to authorize the District to assign ground lease rent payments to the Washington Convention Center Authority, to exempt the airspace lease entered into in connection with the hotel from the recordation tax, to provide for participation requirements for certified business enterprises and apprentices in the construction of the new convention center hotel, to provide for the creation of employment for District residents as a result of the construction of the new convention center hotel, and to provide for an internship program at the new convention center hotel for Hospitality High School of Washington, D.C., students; to amend the New Convention Center Hotel Omnibus Financing and Development Act of 2006 to increase the maximum amount of TIF bonds that the Washington Convention Center Authority is authorized to issue, to provide for the repayment to the Washington Convention Center Authority of funding in the amount of $25 million, to authorize the Mayor to designate recovery zones, and to designate Square 370 as a recovery zone, pursuant to federal law; and to approve the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center, and HQ Hotel, L.L.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Emergency Amendment Act of 2009".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 201(7) (D.C. Official Code § 10-1202.01(7)) is amended to read as follows: Note, § 10-1202.01

"(7) "New convention center hotel" means a hotel to be constructed on the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N. W.".

(b) Section 204(a-1)(2)(C) (D.C. Official Code § 10-1202.04(a-1)(2)(C)) is amended by striking the phrase "property of the Authority" and inserting the phrase "property of the Note, § 10-1202.04

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Authority (including lease payments assigned to the Authority pursuant to section 702)" in its place.

(c) Section 210(a) (D.C. Official Code § 10-1202.10(a)) is amended by striking the phrase "new convention center" and inserting the phrase "new convention center or certain costs of the new convention center hotel" in its place. Note, § 10-1202.10

(d) Section 218 (D.C. Official Code § 10-1202.18) is amended as follows: Note, § 10-1202.18

(1) Subsection (h-1) is amended as follows:

(A) Strike the phrase "Walter E. Washington Convention Center Headquarters Hotel ("Headquarters Hotel")" and insert the phrase "new convention center hotel" in its place.

(B) Strike the phrase "Headquarters Hotel" and insert the phrase "new convention center hotel" in its place.

(2) Subsection (i) is amended by striking the phrase "Headquarters Hotel" and inserting the phrase "new convention center hotel" in its place.

(e) Section 702 (D.C. Official Code § 10-1202.22) is amended as follows: Note, § 10-1202.22

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "Lots 18, 21, 801 through 806, 830 through 839, 843, and 845 in Square 370" and inserting the phrase "a portion of Lot 26 (formerly known as Lots 18, 21, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place.

(B) Paragraph (1) is amended by striking the phrase "in the 4th year of operations" and inserting the phrase "on the 3rd anniversary of operations" in its place.

(C) Paragraph (4) is amended by striking the phrase "a loan for the new convention center hotel" and inserting the phrase "debt financing as permitted under the Hotel Development and Funding Agreement and lease" in its place.

(3) A new subsection (b) is added to read as follows:

"(b) Notwithstanding any other provision of law, the Mayor may assign the annual lease payments required by subsection (a) of this section to the Authority.".

(f) Section 703 (D.C. Official Code § 10-1202.23) is amended by striking the phrase "Lots 22 and 24, Square 370" and inserting the phrase "a portion of Lot 26 (formerly known as Lots 22 and 24), Square 370" in its place. Note, § 10-1202.23

(g) Section 704 (D.C. Official Code § 10-1202.24) is amended by adding a sentence at the end to read as follows: "The recording of any airspace lease executed pursuant to this section among the land records of the District of Columbia shall be exempt from the recordation tax imposed by section 303 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103).". Note, § 10-1202.24

(h) Section 801(1) (D.C. Official Code § 10-1202.31(1)) is amended by striking the phrase "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370" and Note, § 10-1202.31

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inserting the phrase "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place.".

(i) A new Title IX is added to read as follows:

"TITLE IX. PROVISIONS RELATING TO THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL

"Sec. 901. Construction contracting requirements.

"(a) HQ Hotel, L.L.C., shall comply with the negotiated terms and conditions of the Certified Business Enterprise Utilization and Participation Agreement by and between the District of Columbia Department of Small and Local Business Development and HQ Hotel, L.L.C., which was agreed to and executed on May 1, 2009, and shall, at a minimum, contract with certified business enterprises for at least 35% of the adjusted development budget, as defined in the agreement, and require at least 20% non-institutional equity, as defined in the agreement, and 20% development participation of local, small, and disadvantaged business enterprises, all as subject to the terms of the agreement and applicable law.

"(b) HQ Hotel, L.L.C., shall submit a certified business enterprises implementation forecasting plan to the Council on or before September 30, 2009. The plan shall include the following:

"(1) The total amount to be paid for the construction of the new convention center hotel;

"(2) The total amount to be expended for each construction division;

"(3) The amount of each contract in each construction division;

"(4) The contractor and the amount of the contract;

"(5) Each subcontractor and the amount of the contract for each subcontractor;

"(6) The certified business enterprises participation as contractor or subcontractor and the amount of the contracts;

"(7) The amount equal to the certified business enterprises participation goal of 35% of contractor or subcontractor contracts;

"(8) A method of tracking the certified business enterprises participation and the amount of each contract from committed, to awarded, to paid;

"(9) A method of monitoring the certified business enterprises participation against the certified business enterprises forecast;

"(10) A system of remediation for any shortfalls in the certified business enterprises participation; and

"(11) A senior manager with the general contractor that has operational responsibility for meeting the certified business enterprises participation for the construction of the new convention center hotel.

"Sec. 902. First Source Agreement required.

"HQ Hotel, L.L.C., shall enter into a First Source Agreement with the District that shall

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govern certain obligations of HQ Hotel, L.L.C., pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction of the new convention center hotel.

"Sec. 903. Construction apprenticeship programs.

"(a) HQ Hotel, L.L.C., shall enter into an agreement that requires that:

"(1) Contractors and subcontractors participate in apprenticeship programs that:

"(A) Meet the standards set forth in Chapter 11 of Title 7 of the District of Columbia Municipal Regulations;

"(B) Have an apprenticeship program that is registered with the District of Columbia Apprenticeship Council;

"(2)(A) At least 25% of the total journey workers hours performed on the construction of the new convention center hotel shall be performed by journey workers that are District residents.

"(B)(i) If a contractor or subcontractor performing work on construction of the new convention center hotel is unable to identify and hire a bona fide District of Columbia resident for any of the trade work as a journey worker for the construction of the new convention center hotel, the contractor or subcontractor shall contact the Department of Employment Services ("DC DOES") to request a list of District residents for the work.

"(ii) All journey workers identified by DC DOES that are District residents shall be referred to the contractor or subcontractor making the request.

"(iii) If no District residents can be identified by DC DOES to fulfill the request for a journey worker after 48 hours, the contractor or subcontractor may employ applicants from any other available source.

"(3)(A) At least 60% of all apprenticeship hours by trade performed pursuant to the apprenticeship programs required by section 5 of the Amendments to An Act To Provide Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 2-1431), shall be performed by District residents.

"(B) The DC DOES Office of Apprenticeship may grant a waiver to a contractor or subcontractor if it is not able to meet the apprenticeship requirements by trade;

"(4)(A) At least 60% of all skilled and unskilled laborer hours for the construction of the new convention center hotel shall be performed by District residents.

"(B) For the purposes of this section, skilled laborer and unskilled laborers positions shall be defined by 40 U.S.C. §§ 3141 through 3144, 3146, and 3147;

"(5)(A) Any contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this section shall be subject to a monetary penalty in the amount of 5% of the direct or indirect labor costs of the contract.

"(B) Penalties shall be imposed by the Mayor and all money collected from the penalties shall be deposited into the Get D.C. Residents Training for Jobs Now Career Technical Training Fund, established by section 2061(b) of the Fiscal Year 2010 Budget

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Support Act of 2009, passed on 3rd reading on July 31, 2009 (Second Engrossed version of Bill 18-203).

"(b) The general contractor for the construction of the new convention center hotel shall deliver a workforce implementation plan to the Council on or before September 30, 2009. The plan shall include:

"(1) The total number of hours to be worked on the project by trade;

"(2) The total number of journey worker hours on the project and the total number of journey worker hours to be worked by District residents;

"(3) The total number of apprentice hours by trade and the total number of apprentice hours, by trade, to be worked by District residents;

"(4) The total number of skilled and unskilled laborer work hours to be worked and the total number of hours to be worked by District residents;

"(5) A timetable and critical path of the total work hours by trade for the construction of the new convention center hotel over 42 months;

"(6) Establishment of a workforce database of District residents that will provide contractors and subcontractors with a list of journey workers, apprentices, skilled laborers, and unskilled laborers;

"(7) A schedule for a stakeholders working group, including the Chair of the Committee on Economic Development, an Independent, At-Large Councilmember that serves on the Committee of Housing and Workforce Development, or their designees, and representatives from the First Source Agreement Program, the Office of Apprenticeship Information and Training, the Department of Small and Local Business Development, the Washington Convention Center Authority, HQ Hotel, L.L.C., and the general contractor to review and discuss the progress of the workforce mandates;

"(8) An established monitoring process, approved by DC DOES, of all contractors and subcontractors through their certified payrolls, which process shall include a monthly monitoring report including hours worked by District residents and the amount paid to District residents for each trade;

"(9) A remediation strategy to ameliorate any workforce problem encountered with contractors and subcontractors; and

"(10) A senior official from the general contractor who will be responsible for implementing the workforce mandates of this title.

"Sec. 904. Internship program.

"The operator of the new convention center hotel, the Hospitality High School of Washington, D.C., and the District of Columbia Hotel Association shall create an internship program for the Hospitality High School of Washington, D.C., students at the new convention center hotel.".

Sec. 3. The New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; D.C. Official Code § 10-1221.01 *et*

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seq.), is amended as follows:

(a) Section 101(16) (D.C. Official Code § 10-1221.01(16) is amended to read as follows: Note, § 10-1221.01

"(16) "New Convention Center Hotel Site" means the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W.".

(b) Section 103(b)(2) (D.C. Official Code § 10-1221.03(b)(2)) is amended to read as follows: Note, § 10-1221.03

"(2)(A) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, the excess shall be transferred as follows:

"(i) Until the Authority has been reimbursed in full for the Additional WCCA Funding, the first $1 million of such excess in any fiscal year of the District shall be transferred to the Authority; and

"(ii) Following any transfer to the Authority required by sub-subparagraph (i) of this subparagraph, if there are excess funds in the New Convention Center Hotel Fund, 50% of the excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center and 50% of the excess shall be transferred to the General Fund of the District of Columbia pursuant to subsection (c) of this section.

"(B) For the purposes of this section, the term "Additional WCCA Funding" means the payment of $25 million to the developer of the New Convention Center Hotel for the costs of the development and construction of the New Convention Center Hotel not paid from the proceeds of the bonds or the $22 million payment by the Authority.".

(c) Section 104(a) (D.C. Official Code § 10-1221.04(a)) is amended by striking the phrase "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370" and inserting the phrase "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" in its place. Note, § 10-1221.04

(d) Section 105(a) (D.C. Official Code § 10-1221.05(a)) is amended as follows: Note, § 10-1221.05

(1) The lead-in text is amended by striking the phrase "not to exceed $187 million. The net proceeds shall be used" and inserting the phrase "sufficient to provide net proceeds" in its place.

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

"(1) An amount not to exceed $159 million for the costs of the project; and".

(e) New sections 113a and 113b are added to read as follows:

"Sec. 113a. Recovery zone designation.

"(a) The Mayor may designate recovery zones pursuant to sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, approved February 17, 2009 (123 Stat. 348; 26 U.S.C. §§ 1400U-1, 1400U-2, and 1400U-3).

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"(b) Square 370, having been determined to be an area of general distress, is designated as a recovery zone.

"Sec. 113b. Federal recovery act reimbursement requirement.

"If the District or the Authority receive reimbursement, subsidy, or TIF debt service relief in excess of the funds required by the bond covenant authorized by this act, pursuant to the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note), the revenue and relief shall be credited to the District and shall be deposited in the General Fund of the District of Columbia.".

Sec. 4. Contract approval.

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center Authority, and HQ Hotel, L.L.C., as revised, as both a multiyear contract and a contract involving expenditures in excess of $1 million during a 12-month period.

Sec. 5. 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. 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, 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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
August 12, 2009