

AN ACT

Bill 19-1109

Emergency
Declaration
Res. 19-751
20 DCStat 559Codification
District of
Columbia
Official Code
2001 Edition

To amend, on an emergency basis, the Omnibus Public Safety and Justice Amendment Act of 2009 to clarify that intentionally failing to charge a detection device is considered tampering for purposes of the offense; to amend An Act For the preservation of the public peace and the protection of property within the District of Columbia to return prosecutorial authority on certain matters to the Office of the Attorney General, and to permit a charge for a less serious offense where one or more persons demonstrate in an area where it is not permitted and remain or return to the area after receiving a warning from law enforcement; to amend the District of Columbia Law Enforcement Act of 1953 in order to prohibit excessive noise and disruptive conduct in public buildings and to return prosecutorial authority on certain matters to the Office of the Attorney General; to amend An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia to increase the felony threshold for a “bad check” to \$1,000; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify a provision related to escape from an institution or officer; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to designate the Criminal Justice Coordinating council as a criminal justice agency for purposes of accessing criminal justice-related data and information; to amend Title 23 of the District of Columbia Official Code to conform the District’s Crime Victim’s Rights statute with the federal statute on crime victims restitution, to modify the list of offenses for which pre-trial detention is authorized, and to allow law enforcement officers to arrest, without a warrant, an individual that he or she has probable cause to believe has committed a misdemeanor offense outside of the officer’s presence; to amend the Federal Law Enforcement Officer Cooperation Act of 1999 to make conforming changes related to amendments in Title 23 related to law enforcement officers’ ability to arrest without a warrant; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to clarify the Mayor’s authority to schedule substances, and to add to the list of controlled substances those substances that have recently been added to the federal controlled substances act; to amend An Act To establish a code of law for the District of Columbia to create an offense for assault on a public vehicle-for-hire inspector; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to create an offense for fleeing from a public vehicle-for-hire inspector; to amend the District of Columbia Comprehensive Merit Personnel Act to approve the compensation for the Director of the Department of Forensic Sciences; to amend The District of Columbia Health Occupations Revision Act of 1985 to clarify the regulation of massage therapists; to amend the Motor Vehicle Theft Prevention Act of 2008 to incorporate technical corrections; to amend the Access to Justice Initiative Establishment Act of 2010 in order to enlarge the number of eligible participants and improve civil legal services to low-income residents; to amend the Omnibus Police Reform Amendment Act of 2000 to clarify the duties of the Police Officers Standards and Training Board; to amend the Arson Investigators Amendment Act of 1988 regarding the authority related to ensuring compliance with the fire code; to amend the Department of Forensic Sciences Establishment Act of 2011 in order to clarify the membership of the Science Advisory Board; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to change the terms of commission members; to amend section 16-914 of the District of Columbia Official Code to prohibit a person convicted of rape from obtaining legal

custody, physical custody, or any visitation rights with a child that has been conceived as a result of that rape;; to amend the Innocence Protection Act of 2001 to amend the definition of “Biological material”; to repeal section 47-2811(b) of the District of Columbia Official Code; to amend the Driver Privacy Protection Amendment Act of 2012 to make technical corrections; to require the Office of the Attorney General to develop and submit a report on drug screening and drug treatment programs for youth arrested for possession of a controlled substance; and to repeal section 401 of An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia; the Criminal Justice Supervisory Board Act of 1978; and Chapter 10 of Title 28 of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Criminal Code Amendments Emergency Amendment Act of 2012”.

Omnibus
Criminal
Code
Amendments
Emergency
Amendment
Act of 201

TITLE I -- CRIMINAL CODE AMENDMENTS

Sec. 101. Section 103(a)(1) of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)), is amended as follows:

Note,
§ 22-1211

(a) Subparagraph (A) is amended by striking the phrase “device; or” and inserting the phrase “device;” in its place.

(b) Subparagraph (B) is amended by striking the phrase “device.” and inserting the phrase “device; or” in its place.

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

“(C) Intentionally fail to charge the power for the device or otherwise maintain the device’s battery charge or power.”.

Sec. 102. Section 6 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. 323; D.C. Official Code § 22-1307), is amended to read as follows:

Note,
§ 22-1307

“Sec. 6. Crowding, obstructing, or incommoding.

“(a) It is unlawful for a person, alone or in concert with others:

“(1) To crowd, obstruct, or incommode:

“(A) The use of any street, avenue, alley, road, highway, or sidewalk;

“(B) The entrance of any public or private building or enclosure;

“(C) The use of or passage through any public building or public

conveyance; or

“(D) The passage through or within any park or reservation; and

“(2) To continue or resume the crowding, obstructing, or incommoding after being instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding.

“(b)(1) It is unlawful for a person, alone or in concert with others, to engage in a demonstration in an area where it is otherwise unlawful to demonstrate and to continue or resume engaging in a demonstration after being instructed by a law enforcement officer to cease engaging in a demonstration.

“(2) For the purposes of this subsection, the term “demonstration” means marching, congregating, standing, sitting, lying down, parading, demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

“(c) A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”.

Sec. 103. Section 211 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 98; D.C. Official Code § 22-1321), is amended as follows:

**Note,
§ 22-1321**

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

“(c) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct with the intent and effect of impeding or disrupting the lawful use of a public conveyance by one or more other persons.”.

(b) A new subsection (c-1) is added to read as follows:

“(c-1) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct in a public building with the intent and effect of impeding or disrupting the orderly conduct of business in that public building.”.

Sec. 104. An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510), is amended as follows:

**Note,
§ 22-1510**

(a) Strike the phrase “instrument is \$100 or more” and insert the phrase “instrument is \$1,000 or more” in its place.

(b) Strike the phrase “is less than \$100” and insert the phrase “has some value” in its place.

Sec. 105. Section 8(a)(1) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601(a)(1)), is amended as follows:

**Note,
§ 22-2601**

(a) Strike the word “penal” and insert the phrase “penal or correctional” in its place.

(b) Strike the phrase “, judge, or commissioner”.

Sec. 106. Section 1504 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4233), is amended as follows:

**Note,
§ 22-4233**

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

(1) Paragraph (7) is amended by striking the phrase “Corporation Counsel for the District of Columbia” and inserting the phrase “Attorney General for the District of Columbia” in its place.

(2) Paragraph (8) is amended by striking the phrase “Human Services’ Youth Services Administration” and inserting the phrase “Youth Rehabilitation Services” in its place.

(3) Paragraphs (13), (16), and (17) are repealed.

(4) Paragraph (15) is amended by adding the word “and” at the end.

(5) A new paragraph (18) is added to read as follows:

“(18) The United States Marshal, Superior Court of the District of Columbia.”.

(b) Subsection (b) is repealed.

Sec. 107. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1331 is amended as follows:

**Note,
§ 22-1331**

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

(A) Subparagraph (H) is amended by striking the phrase “abuse; or” and inserting the phrase “abuse;” in its place.

(B) Subparagraph (I) is amended by striking the phrase “offense.” and inserting the phrase “offense; or” in its place.

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

“(J) Fleeing from an officer in a motor vehicle (felony).”.

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

(A) Strike the phrase “assault with intent to commit any other offense” and insert the phrase “assault with significant bodily injury; assault with intent to commit any other offense” in its place.

(B) Strike the phrase “or an attempt or conspiracy” and insert the phrase “or an attempt, solicitation, or conspiracy” in its place.

(b) Section 23-1905(2)(A)(i) is amended by striking the word “violent”.

**Note,
§ 22-1905
Note,
§ 22-1332**

(c) Section 23-1322(c)(7) is amended by striking the phrase “§ 22-4503 (unlawful possession of a firearm) or [§ 22-2511] (presence in a motor vehicle containing a firearm)” and inserting the phrase “or § 22-4503 (unlawful possession of a firearm)” in its place.

TITLE II -- PROBABLE CAUSE MISDEMEANOR ARREST

Sec. 201. Section 2(a) of the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-301(a)), is amended as follows:

**Note,
§ 5-301**

(a) The lead-in language is amended by striking the phrase “the Department” and inserting the phrase “MPD” in its place.

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

(1) Strike the phrase “reasonably believes” and insert the phrase “has probable cause to believe” in its place.

(2) Strike the phrase “in his presence” at the end.

Sec. 202. Section 23-581 of the District of Columbia Official Code is amended as follows:

**Note,
§ 23-581**

(a) Subsection (a-7) is amended to read as follows:

“(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of misdemeanor sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts, or sexual proposal to a minor, as provided in sections 205 and 209a of the Anti Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3006 and 22-3010.01), and section 9 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) New subsections (a-8) and (a-9) are added to read as follows:

“(a-8) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of stalking as provided in section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133).

“(a-9) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of presenting a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer’s license, an Arena C/X license, or a temporary license as provided in D.C. Official Code § 25-1002(b)(2)).”.

TITLE III -- CONTROLLED SUBSTANCES

Sec. 301. 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.*), is amended as follows:

(a) Section 201(d) (D.C. Official Code § 48-902.01(d)) is amended to read as follows:

**Note,
§ 48-902.01**

“(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Mayor may similarly designate, reschedule, or delete the controlled substance under this title, or may otherwise designate, reschedule or delete as a controlled substance pursuant to subsections (a) and (b) of this section.”.

(b) Section 204 (D.C. Official Code § 48-902.04) is amended as follows:

**Note,
§ 48-902.04**

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

(A) Subparagraph (X) is amended by striking the word “and”.

(B) New subparagraphs (Z) through (KK) are added to read as follows:

“(Z) Alpha-methyltryptamine (other name: AMT);

“(AA) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

“(BB) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

“(CC) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

“(DD) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

“(EE) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

“(FF) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

“(GG) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

“(HH) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

“(II) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

“(JJ) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

“(KK) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);”.

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

(A) Subparagraph (A) is amended by striking the word “and”.

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

“(C) Gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate); and”.

(3) Paragraph (5) is amended as follows:

(A) The lead-in language is amended by striking the word “including” and inserting the phrase “including their analogues or derivatives and” in its place.

(B) Subparagraph (B) is amended by striking the word “and”.

(C) Subparagraph (C) is amended by striking the phrase “Cathinone.” and inserting the phrase “Cathinone;” in its place.

(D) Subparagraphs (D) through (H) are added to read as follows:

“(D) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

“(E) Methcathinone (Some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers, as well as synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to methcathinone;

“(F) 4-methyl-N-methylcathinone (other name: mephedrone);

“(G) 3,4-methylenedioxypyrovalerone (other name: MDPV); and

“(H) 3,4-methylenedioxy-N-methylcathinone (other name: methylone).”.

(c) Section 206(4)(G) (D.C. Official Code § 48-902.06(4)(G)) is amended by striking the word “Dronabinol” and inserting the word “Dronabinol” in its place.

(d) Section 208(a) (D.C. Official Code § 48-902.08(a)) is amended as follows:

(1) Paragraph (5)(BB) is amended by striking the word “and” at the end.

Note,
§ 48-902.06

Note,
§ 48-902.08

(2) Paragraph (6) is amended by striking the phrase “Cannabis.” and inserting the phrase “Cannabis; and” in its place.

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

“(7)(A) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

“(B)(i) For purposes of this paragraph, the term “cannabimimetic agents” means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

“(I) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

“(II) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

“(III) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

“(IV) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

“(V) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

“(ii) This term “cannabimimetic agents” includes:

“(I) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol) (HU-210);

“(II) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

“(III) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

“(IV) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

“(V) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

“(VI) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

“(VII) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

“(VIII) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH–250);

“(IX) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH–081);

“(X) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH–122);

“(XI) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH–398);

“(XII) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

“(XIII) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

“(XIV) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR–19 and RCS–4);

“(XV) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR–18 and RCS–8); and

“(XVI) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH–203).”.

(e) Section 210(a) (D.C. Official Code § 48-902.10(a)) is amended as follows:

Note,
§ 48-902.10

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

(A) Subparagraph (UU) is amended by striking the word “and”.

(B) Subparagraph (VV) is amended by striking the phrase “Triazolam;” and inserting the phrase “Triazolam; and” in its place.

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

“(WW) Fospropofol;”.

(2) Paragraph (3)(D) is amended by striking the word “Cathine” and inserting the word “Cathine” in its place.

(f) Section 408 (D.C. Official Code § 48-904.08) is amended as follows:

Note,
§ 48-904.08

(1) Subsection (a) is amended by striking the phrase “convicted of a second or subsequent offense under this act” and inserting the phrase “convicted under this act of a second or subsequent offense” in its place.

(2) Subsection (b) is amended by striking the phrase “narcotic drugs, depressants, stimulants, or hallucinogenic drugs” and inserting the phrase “a controlled substance” in its place.

TITLE IV -- ASSAULT ON PUBLIC VEHICLE FOR HIRE INSPECTORS

Sec. 401. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code), is amended by adding new sections 806b and 806c to read as follows:

“Sec. 806b. Assault on a public vehicle inspection officer.

Note,
§ 22-404.01

“(a) A person commits the offense of assault on a public vehicle inspection officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection officer while that officer is engaged in or on account of the performance of his or her official duties.

“(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall:

“(1) Be fined not more than \$1,000, or be imprisoned for not more than 180 days; and

“(2) Have his or her license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), revoked without further administrative action by the Commission.

“(c) It is neither justifiable nor excusable for a person to use force to resist the civil enforcement authority exercised by an individual believed to be a public vehicle inspection officer, whether or not such enforcement action is lawful.

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

“(1) “Commission” shall have the same meaning as provided in section 4(6) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(6)).

“(2) “Public vehicle-for-hire” shall have the same meaning as provided in section 4(17) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(17)).

“(3) “Public vehicle inspection officer” shall have the same meaning as provided in section 4(19) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(19)).

“Sec. 806c. Aggravated assault on a public vehicle inspection officer.

Note,
§ 22-404.01

“(a) A person commits the offense of aggravated assault on a public vehicle inspection officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection officer while that officer is engaged in or on account of the performance of his or her official duties, and:

“(1) By any means, that person knowingly or purposely causes serious bodily injury to the public vehicle inspection officer; or

“(2) Under circumstances manifesting extreme indifference to human life, that person intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury to another person, and thereby causes serious bodily injury.

“(b) A person who violates this section shall be guilty of a felony and, upon conviction, shall:

“(1) Be fined not more than \$25,000, or be imprisoned for not more than 10 years, or both; and

“(2) Have his or her license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant the District of Columbia Taxicab Commission

Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), revoked without further administrative action by the Commission.

“(c) It is neither justifiable nor excusable for a person to use force to resist the civil enforcement authority exercised by an individual believed to be a public vehicle inspection officer, whether or not such enforcement action is lawful.

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

“(1) “Commission” shall have the same meaning as provided in section 4(6) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(6)).

“(2) “Public vehicle-for-hire” shall have the same meaning as provided in section 4(17) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(17)).

“(3) “Public vehicle inspection officer” shall have the same meaning as provided in section 4(19) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-303(19)).”.

Sec. 402. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended by adding new section 20o to read as follows:

**Note,
§ 50-329.03**

“Sec. 20o. Fleeing from a public vehicle inspection officer in a public vehicle-for-hire.

“(a)(1) An operator of a public vehicle-for-hire who knowingly fails or refuses to bring the public vehicle-for-hire to an immediate stop, or who flees or attempts to elude a public vehicle inspection officer, following the public vehicle inspection officer’s signal to bring the public vehicle-for-hire to a stop, shall be fined not more than \$1,000, or be imprisoned for not more than 180 days.

“(2) An operator of a public vehicle-for-hire who violates paragraph (1) of this subsection and while doing so drives the public vehicle-for-hire in a manner that would constitute reckless driving under section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.04(b)), or cause property damage or bodily injury, shall be fined not more than \$12,500, or be imprisoned for not more than 5 years.

“(b) It is an affirmative defense under this section if the operator of a public vehicle-for-hire can show, by a preponderance of the evidence, that his or her failure to stop immediately was based upon a reasonable belief that his or her personal safety or the safety of passengers was at risk. In determining whether the operator has met this burden, the court may consider the following factors:

“(1) The time and location of the event;

“(2) Whether the public vehicle inspection officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a public vehicle inspection officer in uniform or displaying a badge or other sign of authority;

“(3) The conduct of the public vehicle-for-hire operator while being followed by the public vehicle inspection officer;

“(4) Whether the public vehicle-for-hire operator stopped at the first available reasonably lighted or populated area; and

“(5) Any other factor the court considers relevant.

“(c)(1)(A) The Chairperson of the Commission shall suspend the license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant to this act, of a person convicted under subsection (a)(1) of this section for a minimum of 30 days, but no more than 180 days, without further administrative action by the Commission.

“(B) The Chairperson of the Commission may suspend the license or licenses for operating a public vehicle for hire, as required by the Commission pursuant to this act, of a person convicted under subsection (a)(2) of this section for a period of no more than one year without further administrative action by the Commission.

“(2) A suspension of a public vehicle-for-hire operator’s license or licenses under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for a violation of subsection (a)(1) or (2) of this section shall begin following the person’s release from incarceration.”.

TITLE V -- MISCELLANEOUS PROVISIONS

Sec. 501. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)), is amended as follows:

**Note,
§ 1-610.52**

(a) Strike the phrase “paragraph (2)” wherever it appears and insert the phrase “paragraphs (2) and (2A)” in its place.

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

“(2A) Notwithstanding paragraph (1) of this subsection, the Council approves the existing level of compensation for the position of Director of the Department of Forensic Sciences Max M. Houck (\$203,125).”.

(c) Paragraph (4) is amended by striking the phrase “February 24, 2012.” and inserting the phrase “February 24, 2012, or in the position of Director of the Department of Forensic Sciences, who takes office after the effective date of the Omnibus Criminal Code Amendments Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-645).” in its place.

502. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02 *et seq.*), is amended by adding a new section 524 to read as follows:

**Note,
§ 3-1205.23**

"Sec. 524. Council approval of massage therapy regulations directed at licensed therapist facilities.

“There shall be no regulation of massage therapy that is directed at regulating a licensed therapist facility without affirmative approval by the Council of the District of Columbia.”.

Sec. 503. The Motor Vehicle Theft Prevention Act of 2008, effective July 18, 2008 (D.C. Law 17-197; D.C. Official Code § 3-1351 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 3-1354) is amended as follows:

Note,
§ 3-1354

(1) Paragraph (8) is amended by striking the phrase “, subject to the financial limit in section 9(a)(2)”.

(2) Paragraph (9) is amended by striking the phrase “funds in the Fund to effectuate the purposes of the Commission, except as restricted by section 9” and inserting the phrase “its authorized budget to effectuate the purposes of the Commission” in its place.

(3) Paragraph (10) is amended by striking the phrase “for deposit into the Fund”.

(4) Paragraph (11) is amended by striking the phrase “provided, that non-monetary contributions shall not be included in the costs of administration limitation prescribed by section 9(a)(2);”.

(b) Section 8 (D.C. Official Code § 3-1357) is repealed.

Note,
§ 3-1357
Note,
§ 3-1358

(c) Section 9 (D.C. Official Code § 3-1358) is amended as follows:

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

“Sec. 9. Use of budget authority.”.

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

(A) The lead-in language is amended by striking the phrase “expend money in the Fund” and inserting the phrase “use its budget authority” in its place.

(B) Paragraph (2) is amended by striking the phrase “and the Fund; provided, that money expended for this purpose shall not in any fiscal year exceed 15% of the amount of funds deposited in the Fund during the same fiscal year”.

Sec. 504. The Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 18-223; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 101(9) (D.C. Official Code § 4-1701.01(9)) is amended to read as follows:

Note,
§ 4-1701.01

“(9) “Eligible employment” means those areas of legal practice certified by the Administrator to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding, but does not include employment with the District of Columbia government or federal government or with or as the Administrator; and

“(A) Working not less than 35 hours per week where such hours are fully devoted to eligible employment, hereinafter “full-time employment”; or

“(B) Working not less than 17 hours per week where such hours are fully devoted to eligible employment, hereinafter “part-time employment.”.

(b) Section 403(a)(4) (D.C. Official Code § 4-1704.03(a)(4)) is amended by striking the phrase “\$65,000” and inserting the phrase “\$75,000, subject to a 3% annual increase beginning on October 1, 2013;”.

Note,
§ 4-1701.03

Sec. 505. Section 205 of the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.04), is amended to read as follows:

“Sec. 205. Duties of the Board.

“(a) The Board shall establish minimum application and appointment criteria for the Metropolitan Police Department that include the following:

- “(1) That an applicant be a citizen of the United States at the time of application;
- “(2) Age limits;
- “(3) Height and weight guidelines;
- “(4) Physical fitness and health standards;
- “(5) Psychological fitness and health standards;
- “(6) The completion of a criminal background investigation;
- “(7) The consideration to be placed on an applicant's participation in court-ordered community supervision or probation for any criminal offense at any time from application through appointment;
- “(8) The consideration to be placed on an applicant's criminal history, including juvenile records;
- “(9) The completion of a background investigation;
- “(10) Military discharge classification information; and
- “(11) Information on prior service with the Metropolitan Police Department.

“(b) Notwithstanding the minimum standards established by the Board in accordance with subsection (a) of this section, the Chief of Police may deny employment to any applicant based upon conduct occurring while the applicant was a minor if, considering the totality of the circumstances, the Chief of Police determines that the applicant has not displayed the good moral character or integrity necessary to perform the duties of a sworn member of the Metropolitan Police Department.

“(c) Each applicant selected for appointment as a sworn member of the Metropolitan Police Department shall successfully complete an initial training program and initial firearms training program before deployment, including minimum requirements developed by the Board, unless the applicant receives a waiver pursuant to subsection (e) of this section.

“(d) The Board shall determine minimum requirements for the initial training program and firearms training program for Metropolitan Police Department recruits, including the appropriate sequence, content, and duration of each program, and:

- “(1) The minimum number of hours required;
- “(2) If and under what circumstances the initial training program will include temporary deployment of the applicant before regular deployment as a sworn member; and
- “(3) The subjects to be included as part of every applicant's initial training.

“(e) The Chief of Police may modify or waive the initial training program and initial firearms training program requirements for either of the following:

- “(1) Any applicant who is a former sworn member of the Metropolitan Police Department who has been separated from employment with the Metropolitan Police Department

for less than 3 years; or

“(2) Any former member of a federal, state, or local law enforcement agency who has completed training similar to the Metropolitan Police Department's initial training program and initial firearms training program and who has been separated from employment with a federal, state, or local law enforcement agency for less than 3 years.

“(f) The Board shall determine minimum requirements for a continuing education program for sworn members of the Metropolitan Police Department, including:

“(1) Requirements for a continuing education firearms training program; and

“(2) The appropriate consequence, including ineligibility for promotion, if a member fails to satisfy the continuing education requirement.

“(g) The Metropolitan Police Department may utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the initial training program, the initial firearms training program, or the continuing education program pursuant to this section.

“(h) The Board shall establish the minimum requirements for any instructor of any component of the Metropolitan Police Department's initial training program, continuing education program, or firearms training program.

“(i) The Board shall establish minimum selection and training standards for members of the District of Columbia Housing Authority Police Department.

“(j) The Board shall also review and make recommendations to the Chief of Police, the Mayor, and the Council, regarding:

“(1) The Metropolitan Police Department's tuition assistance program;

“(2) The optimal probationary period for new members of the Metropolitan Police Department pursuant to subsection (q) of this section;

“(3) The issue of creating separate career tracks for patrol and investigations;

“(4) Minimum standards for continued level of physical fitness for sworn members of the Metropolitan Police Department; and

“(5) The Metropolitan Police Department Reserve Corps program's training and standards.

“(k) The minimum standards set by the Board pursuant to subsections (a), (d), (f), and (h) of this section shall not preclude the Metropolitan Police Department from establishing higher standards, including standards regarding its application, initial training, and continuing education programs at the department.

“(l) The minimum standards set by the Board pursuant to subsection (i) of this section shall not preclude the District of Columbia Housing Authority Police Department from establishing higher standards.

“(m) The Board shall, through the Chief of Police, not later than December 31 of each year, deliver a report to the Mayor and the Council concerning the Metropolitan Police Department's initial training program, continuing education program, and firearms training program. The report shall include:

“(1) The number of:

“(A) Applicants who have successfully completed the application process;

“(B) Applicants who have completed the initial training program;

“(C) Sworn members who have completed the continuing education and firearms training programs;

“(2) An assessment of the Metropolitan Police Department’s compliance with the Board’s prescribed minimum standards for each of its application and training programs pursuant to this section;

“(3) Recommendations where the Board believes that the Metropolitan Police Department’s current standards for applicants, initial training including firearms training, and continuing education can be improved; and

“(4) An overall assessment of the Metropolitan Police Department’s current and planned recruiting efforts in light of public safety needs in the District.

“(n) The administrative work of the Board shall be carried out by members of the Metropolitan Police Department as appointed by the Chief of Police.

“(o) Any applicant who met the age requirement at the time of application and who was denied appointment on the basis of racial discrimination, as determined by the Director of the Office of Human Rights, may be appointed notwithstanding the applicant's age at the time of that determination.

“(p) Applications for appointment to the Metropolitan Police Department shall be made on forms furnished by the Metropolitan Police Department.

“(q) Appointments to the Metropolitan Police Department shall be for a probationary period to be determined by the Chief of Police. Continuation of service after the expiration of that period shall be dependent upon the conduct of the appointee and his or her capacity for the performance of the duties to which assigned, as indicated by reports of superior officers. The probationary period shall be an extension of the examination period.

“(r) If the Police and Fire Clinic shall find any probationer physically or mentally unfit to continue his or her duties, that probationer shall be required to appear before the Police and Firefighter's Retirement and Relief Board. That Board shall make any findings as are required pursuant to section 12(i) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes, approved September 1, 1916 (71 Stat. 718; D.C. Official Code § 5-713), and those findings shall be incorporated in a recommendation submitted to the Mayor.

“(s) Each police officer appointed shall maintain a level of physical fitness to be determined by the Chief of Police. The final determination with respect to inappropriate fitness levels shall be made by the Medical Director of the Police and Fire Clinic.

“(t)(1) The Mayor, 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 to implement the provisions of this section.

“(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within this 45-day review period, the proposed rules shall be deemed approved.”.

Sec. 506. The Arson Investigators Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-176; D.C. Official Code § 5-417.01 *et seq.*), is amended by adding a new section 2a to read as follows:

**Note,
§ 5-107.01**

“Sec. 2a. Compliance with fire code and occupancy requirements -- Authority, generally; authority to enter and examine; sanctions.

“(a) The Fire Chief, the Fire Marshal, or his or her authorized representative shall have the authority to enter upon or examine any area, building or premises, vehicle or other thing during normal business hours to inspect for compliance with the District fire code, or enter any building at any time when there is probable cause to believe that the premises may be overcrowded.

“(b) The Fire Chief, the Fire Marshal, or his or her authorized representative shall have the authority to sanction a restaurant or other public venue for failure to post a seating or occupancy capacity placard; provided, that no restaurant or public venue shall be liable for the resulting fine or penalty unless the Mayor has provided the seating or occupancy capacity placard to the owner of the premises.”.

Sec. 507. Section 12(a)(1) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.11(a)(1)), is amended by striking the word “journals” and inserting the phrase “journals, and who are not currently employed by the Department or by a law enforcement laboratory or agency” in its place.

**Note,
§ 5-1501.11**

Sec. 508. Section 202(b)(1) of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2271.02(b)(1)), is amended to read to as follows:

**Note,
§ 7-2271.02**

“(b)(1) Commission members shall be nominated by the Mayor and confirmed by the Council for terms of 3 years, in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), except that initially 4 Commission members shall be appointed to a 3-year term and 3 Commission members shall be appointed to a 2-year term.”.

Sec. 509. Section 16-914 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

**Note,
§ 16-914**

“(k) Notwithstanding any other provision of this section, no person shall be granted legal custody or physical custody of, or visitation with, a child if the person has been convicted of first degree sexual abuse, second degree sexual abuse, or child sexual abuse, and the child was

conceived as a result of that violation. Nothing in this subsection shall be construed as abrogating or limiting the responsibility of a person described herein to pay child support.”.

Sec. 510. Section 2(2) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4131(2)), is amended as follows:

Note,
§ 22-4131

(a) Strike the phrase “a sexual assault forensic examination kit, semen, vaginal fluid, blood, saliva, visible skin tissue, or hair” and insert the phrase “the contents of a sexual assault examination kit, bodily fluids (including, but not limited to, blood, semen, saliva, and vaginal fluid), hair, skin tissue, fingernail scrapings, bone, or other human DNA source matter” in its place.

(b) Add the following sentence at the end:

“This definition applies equally to material that is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, or cigarettes, and to material that is recovered from evidence and thereafter maintained separately from that evidence, including, but not limited to, on a slide, on a swab, in cuttings, or in scrapings.”.

Sec. 511. Section 47-2811(b) of the District of Columbia Official Code is repealed.

Note,
§ 47-2811

Sec. 512. Section 7b of the District of Columbia Traffic Act, 1925, signed by the Mayor on October 23, 2012 (D.C. Act 19-487; 59 DCR 12507), is amended as follows:

Note,
§ 5-1401.01b

(a) Subsection (a)(3)(A) is amended by striking the phrase “name address” and inserting the phrase “name, address” in its place.

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

(1) Strike the phrase “obtained by the Department of Motor Vehicles” and insert the phrase “obtained by the Department” in its place.

(2) Strike the phrase “motor-vehicle” and insert the phrase “motor vehicle” in its place.

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

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

“(A) For use by a person involved in the accident and listed on the accident report;”.

(2) Paragraph (12) is amended by striking the phrase “revoked by the person who is the subject of the motor vehicle record” and inserting the phrase “revoked by the person who is the subject of the motor vehicle record or accident report” in its place.

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

(1) Strike the phrase “of Motor Vehicles” wherever it appears.

(2) Paragraph (1) is amended by striking the phrase “made confidential and prohibited from disclosure” and inserting the phrase “prohibited from disclosure by subsection (b) of this section” in its place.

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

(i) Strike the phrase “However only authorized” and insert the phrase “Authorized” in its place.

(ii) Strike the phrase “pursuant to” and insert the phrase “only in accordance with” in its place.

(e) Subsection (f) is amended by striking the phrase “of Motor Vehicles.”

Sec. 513. Juvenile drug screening and treatment diversion plan.

**Note,
§ 2-1535.09**

(a) The Office of the Attorney General for the District of Columbia (“OAG”), in cooperation with relevant stakeholders, shall develop a report on drug screening and drug treatment programs for youth arrested for possession of a substance in violation of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*) (“Uniform Controlled Substance Act”). The report shall include:

(1) A review of existing diversion programs available for juveniles that have been found delinquent in violation of the Uniform Controlled Substances Act, and a proposal to improve or enhance such programs;

(2) A review of existing wraparound services for juveniles that are arrested for or found delinquent in violation of the Uniform Controlled Substances Act, and a proposal to improve or enhance such services;

(3) A proposal to enhance the availability of, as well as the use of, diversion programs or wraparound services for juveniles arrested for violating the Uniform Controlled Substances Act, but for which the OAG has determined not to paper the case; and

(4) An identification of any perceived fiscal issues or other implementation issues with any of the above.

(b) For the purposes of this section, the term “wraparound services” means an intensive, individualized care management process for youths with serious or complex needs. During the wraparound process, a team of individuals who are relevant to the well-being of the child or youth (e.g., family members, other natural supports, services providers, and agency representatives) collaboratively develop an individualized plan of care, implement this plan, and evaluate success over time. The wraparound plan typically includes formal services and interventions, together with community services and interpersonal support and assistance provided by friends, kin, and other people drawn from the family’s social networks.

(c) The report required under this section shall be submitted by the OAG to the Council of the District of Columbia no later than March 4, 2013.

Sec. 514. Section 401 of An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia, approved June 29, 1953 (67 Stat. 101; D.C. Official Code § 3-801), is repealed.

**Note,
§ 3-801**

COUNCIL OF THE DISTRICT OF COLUMBIA

20 DCSTAT 343

D.C. Act 19-599, effective January 14, 2013 (Expiration date April 14, 2013)

Sec. 515. The Criminal Justice Supervisory Board Act of 1978, effective September 13, 1978 (D.C. Law 2-107; D.C. Official Code § 3-901 *et seq.*), is repealed.

**Note, Repeal
§§ 3-901 –
3-907**

Sec. 516. Chapter 10 of Title 28 of the District of Columbia Municipal Regulations is repealed.

DCMR

TITLE VI -- FISCAL IMPACT AND EFFECTIVE DATE

Sec. 601. 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. 602. 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)).