

AN ACT

Bill 19-802
Act 19-654
effective
January 29,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to require the Attorney General to report to the Council any action, suit, or proceeding in which any District law is challenged as unconstitutional or in violation of the District of Columbia Home Rule Act, and to require the Attorney General to report to the Council the establishment or implementation of a formal or informal policy to refrain from implementing, enacting, or defending a District law.

Council
Notification
on
Enforcement
of Laws
Amendment
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Council Notification on Enforcement of Laws Amendment Act of 2012”.

Sec. 2. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2009 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended by adding a new section 111 to read as follows:

“Sec. 111. Report on constitutional challenge or District of Columbia Home Rule Act validity challenge.

New
§ 1-301.89b

“(a) The Attorney General shall submit a report to the Council of the District of Columbia of any action, suit, or proceeding brought in a court of law in which the Council of the District of Columbia is not a party, and the constitutionality or the validity under the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*), of any District statute, rule, regulation, program, policy, or enactment of any type is questioned, and the Attorney General has been notified pursuant to:

“(1) Rule 24(c) of the Superior Court of the District of Columbia Rules of Civil Procedure; or

“(2) Rule 5.1(a) of the Federal Rules of Civil Procedure.

“(b) The Attorney General shall submit a report to the Council of the District of Columbia of the establishment or implementation of any formal or informal policy by the Attorney General, or any officer of the Office of the Attorney General, to refrain from:

“(1) Enforcing, applying, or administering any provision of any District statute, rule, regulation, program, policy, or enactment of any type affecting the public interest of the District of Columbia; or

“(2) Defending, either by affirmatively contesting or through refraining from defending, any District statute, rule, regulation, program, policy, or enactment of any type affecting the public interest of the District of Columbia.

“(c)(1) A report required under subsection (a) of this section shall be submitted to the Council within 30 calendar days from the date the Attorney General receives notice as provided

in subsection (a)(1) or (a)(2) of this section, and shall contain sufficient information to identify the action, suit, or proceeding underlying the challenge.

“(2) A report required under subsection (b) of this section shall be submitted to the Council within 30 calendar days from the date the Attorney General establishes or implements a formal or informal policy, or is made aware of the establishment or implementation of a formal or informal policy, as described in subsection (b) of this section, and shall contain:

“(A) The date the formal or informal policy, as described in subsection (b) of this section, was established or implemented; and

“(B) A complete and detailed statement describing the policy and identifying the statute, rule, regulation, program, policy, or enactment that is the subject of the policy.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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