

**A RESOLUTION**

**Proposed  
Resolution  
20-131**

**See  
Emergency  
Act  
D.C. Act 20-44  
20 DCSTAT 1281**

*To declare the existence of an emergency, due to Congressional review, with respect to the need to amend 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 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 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 offenses for assault and aggravated assault on a public vehicle inspection officer; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to create an offense for fleeing from a public vehicle inspection officer; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 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 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 1998 to provide authority related to ensuring compliance with the fire code; to amend the Department of Forensic Sciences Establishment Act of 2011 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 District of Columbia*

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**D.C. Resolution 20-70, effective March 19, 2013**

**20 DCSTAT 1459**

*Traffic Act, 1925 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 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.*

**Omnibus  
Criminal  
Code  
Amendments  
Congressional  
Review  
Emergency  
Declaration  
Resolution of  
2013**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Omnibus Criminal Code Amendments Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) The Council unanimously approved the Omnibus Criminal Code Amendments Act of 2012, signed by the Mayor on February 11, 2013 (D.C. Act 19-677; 60 DCR \_\_), on 2<sup>nd</sup> reading at the December 18, 2012, Legislative Meeting. The legislation was transmitted to Congress on March 7, 2013, and is currently undergoing the 60-day Congressional review required of legislation that amends the criminal code. The projected law date for D.C. Act 19-677 is June 8, 2013.

(b) The Council determined that it was especially important that a number of sections in D.C. Act 19-677 were made effective as quickly as possible. As such, the Council adopted an emergency measure identical to the permanent bill at the December 18, 2012, Legislative Meeting. D.C. Act 19-599, the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012, was signed by the Mayor on January 14, 2013, and will expire on April 14, 2013.

(c) As the emergency measure, D.C. Act 19-599, is set to expire before the permanent measure, D.C. Act 19-677, completes the 60-day Congressional review period, this legislation is necessary to prevent a gap in the law.

(d) The provisions of this emergency make important amendments and clarifications to the District’s criminal code and provide better tools for law enforcement to reduce crime. Among the provisions in this bill:

(1) Two sections make clarifications and returning prosecutorial authority to the Office of the Attorney General for offenses related to Disturbances of the Public Peace (blocking passage and disorderly conduct);

(2) One section updates the District’s Controlled Substances statute, including a number of substances that are already banned under federal law, but law enforcement is unable to bring charges in District court as the substances are not banned at the local level.

(3) Clarifications of the law regarding tampering with a GPS tracking device; and

(4) Clarifications of the law regarding licensed massage therapists so that they may practice with minimal burden.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Omnibus Criminal Code Amendments Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.