

AN ACT

D.C. ACT 23-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court of the District of Columbia to the list of entities that shall receive information from the Metropolitan Police Department related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks, to establish the

Extreme Risk Protection Order Implementation Working Group, provide for its membership, and specify its duties, to prohibit the issuance of a registration certificate for ghost guns, and to prohibit the sale or transfer of ghost guns; 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 prohibit the possession of ghost guns; to amend section 14-307(b)(4) of the District of Columbia Official Code to create an exception from client confidentiality requirements for evidence in a grand jury, criminal, delinquency, or civil proceeding where a person is alleged to have committed the offense of financial exploitation of a vulnerable adult or elderly person; to amend the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000 to expand the Attorney General's civil enforcement authority in cases of financial exploitation of a vulnerable adult or elderly person; to amend section 14-307 of the District of Columbia Official Code to prohibit sexual assault counselors from disclosing confidential information acquired from a client in a professional capacity without consent of the client or their legal representative; to amend the Sexual Assault Victims' Rights Amendment Act of 2019 to extend the applicability date for certain provisions; to amend the Department of Forensic Sciences Establishment Act of 2011 to permit the Department of Forensic Sciences to provide public health laboratory services to District residents, District and other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities; 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 allow individuals who have served at least 15 years in prison, and have committed District of Columbia Code offenses on or after their 18th birthday, but before their 25th birthday, to apply to the Superior Court of the District of Columbia for sentence modification, to waive District residency requirements for District government workforce development programs for resentenced individuals, and to provide a grant for survivors of violent crime; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to require the Office of the Chief Medical Examiner to investigate all maternal mortalities occurring in the District; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Mayor to promote Assistant Fire Chiefs from the ranks of Deputy Fire Chief and Battalion Fire Chief in the Fire and Emergency Medical Services Department, to promote Deputy Fire Chiefs from the ranks of Battalion Fire Chief, and to promote Battalion Fire Chiefs from the ranks of Captain, and to return persons in those ranks to the immediate previous civil service rank or to the rank of Captain; to amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes to make a conforming change; to amend the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of a report on the root causes of youth crime and the prevalence of adverse

childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary for the report; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the report, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to conduct a minimum of 3 inspections of the environmental conditions at the Correctional Treatment Facility annually; to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to work with the Office of the Attorney General, the Office of the United States Attorney for the District of Columbia, and the Office of Victim Services and Justice Grants to engage representatives of advocacy and legal services organizations for crime survivors' rights in the District to explore potential enhancements to the process for inmate release notifications to crime survivors; to amend the District of Columbia Good Time Credits Act of 1986 to provide the Department of Corrections with discretion to award good time credits, consistent with public safety; 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 provide for the retroactive accrual of good time credits for District of Columbia Code felony offenses committed before August 5, 2000, and to allow for motions for compassionate release for individuals convicted of District of Columbia Code felony offenses; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia to provide for alternative service of process on District residents who were the owners or operators of motor vehicles at the time such vehicles were involved in a collision on any public highway of the District; to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming change; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fines and adjudicated by the Office of Administrative Hearings, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Amendment Act of 2020".

TITLE I. FIREARMS SAFETY OMNIBUS CLARIFICATION

Sec. 101. Title IV of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1204.01 *et seq.*), is amended as follows:

(a) Section 402 (D.C. Official Code § 7-1204.02) is amended to read as follows:

“Sec. 402. Civil commitment proceedings; extreme risk protection orders.

“Mental health information may be disclosed by a mental health professional when and to the extent necessary to:

“(1) Initiate or seek civil commitment proceedings under D.C. Official Code § 21-541; or

“(2) Request an extreme risk protection order under Title X of the Firearms Control Regulations Act of 1975, effective May 10, 2019 (D.C. Law 22-314; D.C. Official Code § 7-2510.01 *et seq.*).”.

(b) Section 403 (D.C. Official Code § 7-1204.03) is amended by adding a new subsection (c) to read as follows:

“(c) Mental health information shall be disclosed to the Office of the Attorney General for the District of Columbia in response to a court order issued pursuant to section 203(f)(3)(A)(i) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03(f)(3)(A)(i)) (“Firearms Act”) or section 1003(d)(2) of the Firearms Act.”.

Sec. 102. 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 as follows:

(a) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

(1) Subsection (a)(15) is amended to read as follows:

“(15) Is not the subject of an ex parte extreme risk protection order issued pursuant to section 1004 or a final extreme risk protection order issued pursuant to section 1003 or renewed pursuant to section 1006.”.

(2) Subsection (f)(3) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

“(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that the Office of the Attorney General can conduct a search of the petitioner’s mental health records and report its findings to the court as required by subparagraph (B) of this paragraph.

“(ii) The court shall order the Office of the Attorney General to file a response to the petition. Within 60 days after the court’s order for a response, the Office of the Attorney General shall file a response indicating whether the Office of the Attorney General supports or opposes the petition.

“(iii) The court may, for good cause shown, extend in 30-day increments the date by which the Office of Attorney General must file its response under subparagraph (ii) of this subparagraph.”.

(B) Subparagraph (B) is amended by striking the phrase “criminal history” and inserting the phrase “criminal history and firearms eligibility” in its place.

(b) Section 705(b) (D.C. Official Code § 7-2507.05(b)) is amended by striking the phrase “the United States Attorney and the Corporation Counsel for the District whether” and inserting the phrase “the United States Attorney’s Office and the Office of Attorney General whether” in its place.

(c) Section 712 (D.C. Official Code § 7-2507.11) is amended to read as follows:

“Sec. 712. 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 act. 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, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.”

(d) Section 1001(2)(A) (D.C. Official Code § 7-2510.01(2)(A)) is amended by striking the phrase “relationship rendering the application of this title appropriate” and inserting the word “relationship” in its place.

(e) Section 1002 (D.C. Official Code § 7-2510.02) is amended as follows:

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

(A) Paragraph (3) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Paragraph (4) is repealed.

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

“(c)(1) The Office of the Attorney General may:

“(A) Intervene in the case and represent the interests of the District of Columbia; or

“(B) At the request of the petitioner, provide individual legal representation to the petitioner in proceedings under this title.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

“(B) The court terminates a final extreme risk protection order pursuant to section 1008; or

“(C) The Office of the Attorney General withdraws from the intervention.”

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

“(d) The court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal for good cause shown.”

(4) A new subsection (e) is added to read as follows:

“(e) When computing a time period specified in this title, or in an order issued under this title:

“(1) Stated in days or a longer unit of time:

“(A) Exclude the day of the event that triggers the time period;

“(B) Count every day, including intermediate Saturdays, Sundays and legal holidays; and

“(C) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.

“(2) Stated in hours:

“(A) Begin counting immediately on the occurrence of the event that triggers the time period;

“(B) Count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

“(C) If the time period would end on a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period shall continue to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.”.

(f) Section 1003 (D.C. Official Code § 7-2510.03) is amended as follows:

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

“(2) The initial hearing shall be held within 14 days after the date the petition was filed.”.

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

(A) Paragraph (1) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

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

“(3) If the respondent is unable to be personally served after the court has set a new hearing date and required new attempts at service pursuant to paragraph (2) of this subsection, the court may dismiss the petition without prejudice.”.

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

“(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that it can conduct a search of the respondent’s mental health records and report its findings to the court as required by this subsection. Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

“(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

“(2) Conduct a reasonable search of all available records of the respondent’s mental health;

“(3) Perform a national criminal history and firearms eligibility background check on the respondent; and

“(4) Submit its findings under this subsection to the court.”.

(4) The lead-in language for subsection (e) is amended by striking the phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits, affidavits, supporting documents, and all other relevant evidence,” in its place.

(5) Subsection (h)(6) is amended by striking the phrase “connected with a petition filed under this title” and inserting the phrase “connected with this title” in its place.

(g) Section 1004 (D.C. Official Code § 7-2510.04) is amended as follows:

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

(A) The lead-in language for subsection (c) is amended by striking the phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits, affidavits, supporting documents, and all other relevant evidence,” in its place.

(B) Paragraph (4) is amended by striking the phrase “firearm by” and inserting the phrase “firearm or other weapon by” in its place.

(2) Subsection (f) is amended by striking the phrase “to section” and inserting the phrase “to this section” in its place.

(3) Subsection (g) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

“(3) The date and time the order will expire;”.

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

“(7) The procedures for the surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and”.

(4) Subsection (h) is amended to read as follows:

“(h) An ex parte extreme risk protection order issued pursuant to this section shall remain in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme risk protection order in additional 14-day increments for good cause shown.”.

(h) Section 1005 (D.C. Official Code § 7-2510.05) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase “next business day” and inserting the phrase “next day” in its place.

(B) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(C) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(2) Subsection (b) is amended by striking the phrase “order was added” and inserting the phrase “order was issued” in its place.

(i) Section 1006 (D.C. Official Code § 7-2510.06) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “15 business days” and inserting the phrase “21 days” in its place.

(2) Subsection (d)(4) is amended by striking the phrase “firearm by” and inserting the phrase “firearm or other weapon by” in its place.

(j) Section 1007(a) (D.C. Official Code § 7-2510.07(a)) is repealed.

(k) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

“Sec. 1007a. Nature and issuance of search warrants.

“(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue an accompanying search warrant. The search warrant may authorize a search to be conducted anywhere in the District of Columbia and shall be executed pursuant to its terms.

“(b) A search warrant issued under this section may direct a search of any or all of the following:

- “(1) One or more designated or described places or premises;
- “(2) One or more designated or described vehicles;
- “(3) One or more designated or described physical objects; or
- “(4) The respondent.

“(c) The search warrant shall authorize the search for, and seizure of, any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that the respondent is prohibited from having possession or control of, purchasing, or receiving pursuant to the terms of an extreme risk protection order issued or renewed under this title.

“(d) A search warrant issued under section 1007a may be addressed to a specific law enforcement officer or to any classification of officers of the Metropolitan Police Department of the District of Columbia or other agency authorized to make arrests or execute process in the District of Columbia.

“(e) A search warrant issued under section 1007a shall contain:

“(1) The name of the issuing court, the name and signature of the issuing judge, and the date of issuance;

“(2) If the search warrant is addressed to a specific officer, the name of that officer, otherwise, the classifications of officers to whom the warrant is addressed;

“(3) A designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;

“(4) A description of the property whose seizure is the object of the search warrant;

“(5) A direction that the search warrant be executed between 6 a.m. and 9:00 p.m. or, where the court has found cause therefor, including one of the grounds set forth in section 1007b(c), an authorization for execution at any time of day or night; and

“(6) A direction that the search warrant and an inventory of any property seized pursuant thereto be returned to the court within 72 hours after its execution.

“Sec. 1007b. Time of execution of search warrants.

“(a) A search warrant issued under section 1007a shall not be executed after the expiration of the extreme risk protection order it accompanies, or after 10 days from the date the warrant was issued, whichever is earlier.

“(b) The search warrant shall be returned to the court after its execution or expiration in accordance with section 1007a(e)(6).

“(c) A search warrant issued under section 1007a may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this section, shall be executed only between 6 a.m. and 9:00 p.m.

“(d) If the court finds that there is probable cause to believe that the search warrant cannot be executed between 6 a.m. and 9:00 p.m., the property sought is likely to be removed or destroyed if not seized forthwith, or the property sought is not likely to be found except at certain times or in certain circumstances, the court may include in the search warrant an authorization for execution at any time of day or night.

“Sec. 1007c. Execution of search warrants.

“(a) An officer executing a search warrant issued under section 1007a directing a search of a dwelling house or other building or a vehicle shall execute that search warrant in accordance with 18 U.S.C. § 3109.

“(b) An officer executing a search warrant issued under section 1007a directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of section 432a of the Revised Statutes of the District of Columbia, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 22-405.01), or other applicable provision of law.

“(c)(1) An officer or agent executing a search warrant issued under section 1007a shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

“(2) If the search is of a person, a copy of the search warrant and of the return shall be given to that person.

“(3) If the search is of a place, vehicle, or object, a copy of the search warrant and of the return shall be given to the owner thereof or, if the owner is not present, to an occupant, custodian, or other person present. If no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

“(d) A copy of the search warrant shall be filed with the court on the next court day after its execution, together with a copy of the return.

“(e) An officer executing a search warrant issued under section 1007a directing a search of premises or a vehicle may search any person therein to the extent reasonably necessary to:

“(1) Protect himself or others from the use of any weapon which may be concealed upon the person; or

“(2) Find property enumerated in the warrant which may be concealed upon the person.

“Sec. 1007d. Disposition of property.

“(a) A law enforcement officer or a designated civilian employee of the Metropolitan Police Department who seizes property in the execution of a search warrant issued under section 1007a shall cause it to be safely kept until the property is returned to:

“(1) The respondent, upon the expiration of the extreme risk protection order that the search warrant accompanied; or

“(2) A lawful owner, other than the respondent, claiming title to the property pursuant to section 1007(d).

“(b) Nothing in subsection (a) of this section shall be construed to require the Metropolitan Police Department to release property seized pursuant to a warrant to a person who did not legally possess the property at the time it was taken.

“(c) No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States Attorney for the District of Columbia or the Office of the Attorney General.”.

(l) Section 1008 (D.C. Official Code § 7-2510.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “order in in effect” and inserting the phrase “order is in effect” in its place.

(2) Subsection (c)(4) is amended by striking the phrase “firearm by” and inserting “firearm or other weapon by” in its place.

(3) Subsection (f) is amended as follows:

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

(i) Strike the phrase “upon the petitioner” and insert the phrase “upon the petitioner and respondent” in its place.

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

“(1A) If the petitioner or respondent was personally served in court when the motion to terminate an extreme risk protection order was granted, the personal service requirement of paragraph (1) of this subsection shall be waived with respect to the party served in court.”.

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

(i) Strike the phrase “next business day” and insert the phrase “next day” in its place.

(ii) Strike the phrase “the respondent” and insert the phrase “the petitioner” in its place.

(C) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(D) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(m) Section 1010 (D.C. Official Code § 7-2510.10) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “available to any” and inserting the phrase “available to the Superior Court of the District of Columbia, the Office of the Attorney General, and any” in its place.

(2) Subsection (b) is amended by striking the phrase "Superior Court of the District of Columbia" and inserting the phrase "Mayor, or the Mayor's designee," in its place.

(n) A new section 1013 is added to read as follows:

"Sec. 1013. Extreme Risk Protection Order Implementation Working Group.

"(a) There is established an Extreme Risk Protection Order Implementation Working Group ("Working Group"), which shall be composed of the following individuals:

"(1) District government members, or their designees:

"(A) The Chairperson of the Council's Committee on the Judiciary and Public Safety;

"(B) The Deputy Mayor for Public Safety and Justice;

"(C) The Deputy Mayor for Health and Human Services;

"(D) The Attorney General for the District of Columbia;

"(E) The Chief of the Metropolitan Police Department;

"(F) The Gun Violence Prevention Director in the Office of the City Administrator;

"(G) The Executive Director of the Office of Neighborhood Safety and Engagement;

"(H) The Director of the Department of Youth Rehabilitation Services;

"(I) The Chief Medical Examiner;

"(J) The Director of the Department of Forensic Sciences;

"(K) The Director of the Office of Victim Services and Justice Grants;

"(L) The Executive Director of the Criminal Justice Coordinating Council;

and

"(M) The Director of the Department of Behavioral Health; and

"(2) Community members and organizations, or their designees:

"(A) Everytown for Gun Safety;

"(B) Moms Demand Action for Gun Sense in America, D.C. Chapter;

"(C) The Giffords Law Center to Prevent Gun Violence;

"(D) The Coalition to Stop Gun Violence;

"(E) Brady: United Against Gun Violence;

"(F) The D.C. Appleseed Center for Law & Justice;

"(G) The D.C. Coalition Against Domestic Violence;

"(H) The D.C. Behavioral Health Association;

"(I) The Council for Court Excellence;

"(J) The American Foundation for Suicide Prevention, National Capital Area Chapter; and

"(K) One representative from each of the District's violence interruption contractors with the Office of Neighborhood Safety and Engagement and the Office of the Attorney General's Cure the Streets program.

“(b) The Working Group may also request the participation of other subject matter experts, as well as designees of the following:

“(1) The Chief Judge of the Superior Court of the District of Columbia; and

“(2) The United States Attorney for the District of Columbia.

“(c) The Chairperson of the Council’s Committee on the Judiciary and Public Safety and the Deputy Mayor for Public Safety and Justice shall serve as the co-chairs of the Working Group.

“(d) The duties of the Working Group shall include:

“(1) Improving public awareness of extreme risk protection orders;

“(2) Improving the coordination of District and federal agencies regarding the filing, adjudication, and execution of extreme risk protection orders;

“(3) Facilitating the education of behavioral and mental health professionals about extreme risk protection orders;

“(4) Advancing the development of District government policies and procedures to govern extreme risk protection orders, such as written directives of the Metropolitan Police Department; and

“(5) Reviewing and incorporating best practices from other jurisdictions concerning extreme risk protection order laws, policies, and procedures.

“(e) This section shall expire on January 1, 2023.”.

TITLE II. GHOST GUNS PROHIBITION

Sec. 201. 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 as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (9B) is designated as paragraph (9C).

(2) A new paragraph (9B) is added to read as follows:

“(9B) “Ghost gun”:

“(A) Means:

“(i) A firearm that, after the removal of all parts other than a receiver, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

“(ii) Any major component of a firearm which, when subjected to inspection by the types of detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component; and

“(B) Includes an unfinished frame or receiver.”.

(3) A new paragraph (12B) is added to read as follows:

“(12B) “Receiver” means the part of a firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism.”.

(4) A new paragraph (15A) is added to read as follows:

“(15A) “Security Exemplar” means an object, to be fabricated at the direction of the Mayor, that is:

“(A) Constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

“(B) Suitable for testing and calibrating metal detectors.”.

(5) A new paragraph (17B) is added to read as follows:

“(17B)(A) “Unfinished frame or receiver”:

“(i) Means a frame or receiver of a firearm that is not yet a component part of a firearm, but which may without the expenditure of substantial time and effort be readily made into an operable frame or receiver through milling, drilling, or other means; and

“(ii) Includes any manufactured object, any incompletely manufactured component part of a firearm, or any combination thereof that is not a functional frame or receiver but is designed, manufactured, assembled, marketed, or intended to be used for that purpose, and can be readily made into a functional frame or receiver.

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

“(i) “Manufacture” means to fabricate, make, form, produce or construct, by manual labor or by machinery; and

“(ii) “Assemble” means to fit together component parts.”.

(b) Section 202(a) (D.C. Official Code § 7-2502.02(a)) is amended as follows:

(1) Paragraph (6) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Paragraph (7) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(8) Ghost gun.”.

(c) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “destructive device” and inserting the phrase “destructive device, ghost gun, unfinished frame or receiver,” in its place.

Sec. 202. 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 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B) to read as follows:

“(2B) “Ghost gun” shall have the same meaning as provided in section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B)).”.

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase “bump stock, knuckles” both times it appears and inserting the phrase “bump stock, ghost gun, knuckles” in its place.

TITLE III. FINANCIAL EXPLOITATION OF VULNERABLE ADULTS AND THE ELDERLY

Sec. 301. Section 14-307(b)(4) of the District of Columbia Official Code is amended by striking the phrase “or where a person is alleged to have defrauded a health care benefit program” and inserting the phrase “where a person is alleged to have defrauded a health care benefit program, or where a person is alleged to have violated section 203a of the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000, effective November 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01)” in its place.

Sec. 302. The Criminal Abuse and Neglect of Vulnerable Adults Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 22-931) is amended by striking the phrase “Criminal Abuse, Neglect” and inserting the phrase “Abuse, Neglect” in its place.

(b) Section 202 (D.C. Official Code § 22-932) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Undue influence” means mental, emotional, or physical coercion that overcomes the free will or judgment of a vulnerable adult or elderly person and causes the vulnerable adult or elderly person to act in a manner that is inconsistent with the vulnerable adult or elderly person’s financial, emotional, mental, or physical well-being.”.

(c) Section 203a(c) (D.C. Official Code § 22-933.01(c)) is repealed.

(d) Section 207 (D.C. Official Code § 22-937) is amended to read as follows:

“Sec. 207. Civil penalties for financial exploitation of a vulnerable adult or elderly person.

“(a) Notwithstanding any other provision of law, if the Attorney General has reason to believe that any person has violated, or intends to violate, section 203a(a), the Attorney General may bring a civil action in the Court, in the name of the District, to seek any of the following:

“(1) A temporary or permanent injunction;

“(2) Restitution of money or property;

“(3) The cost of the action, including reasonable attorney’s fees;

“(4)(A) Revocation of all permits, licenses, registrations, or certifications issued by the District authorizing the person to provide services to vulnerable adults or elderly persons.

“(B) Such a revocation shall be effective upon the issuance of the Court’s judgment, and the person shall not be entitled to a hearing with the relevant licensing board or agency;

“(5) Civil penalties of not more than \$10,000 per violation; and

“(6) Any other relief the Court considers just.

“(b) In an action under this section:

“(1) A related criminal proceeding need not have been initiated, nor judgment secured, prior to bringing the action;

“(2) The Attorney General shall not be required to prove damages; and

“(3) The burden of proof shall be by a preponderance of the evidence.”.

TITLE IV. SEXUAL ASSAULT VICTIMS’ RIGHTS

Sec. 401. Section 14-307 of the District of Columbia Official Code is amended as follows:

(a) The section heading is amended to read as follows:

“§ 14-307. Confidential information.”.

(b) Subsection (a) is amended by striking the phrase “sexual assault victim advocate as defined in § 14-312(a)(7)” and inserting the phrase “sexual assault counselor as defined in § 23-1907(10)” in its place.

Sec. 402. Section 9(a) of the Sexual Assault Victims’ Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072), is amended by striking the date “October 1, 2020” and inserting the date “January 1, 2021” in its place.

TITLE V. DEPARTMENT OF FORENSIC SCIENCES SERVICES AND FEES CLARIFICATION

Sec. 501. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-1501.01) is amended by adding a new paragraph (6) to read as follows:

“(6) “Public health laboratory services” means monitoring and detecting health threats, including:

“(A) Testing samples in a wide variety of materials for toxins, infectious organisms, and other threats to public health;

“(B) Clinical diagnostic testing;

“(C) Disease surveillance;

“(D) Emergency response support;

“(E) Applied research; and

“(F) Laboratory training.”.

(b) Section 3(b) (D.C. Official Code § 5-1501.02(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(2) Paragraph (2) is amended by striking the phrase “focus on unbiased science and transparency” and inserting the phrase “focus on the delivery of unbiased science and an emphasis on promoting transparency in operations” in its place.

(3) Paragraph (3) is amended by striking the phrase “public safety” and inserting the phrase “public safety and the fair and balanced administration of justice” in its place.

(c) Section 5 (D.C. Official Code § 5-1501.04) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(2) Subsection (d) is amended by striking the phrase “agency mission” and inserting the phrase “Department’s mission” in its place.

(d) Section 6(a)(1) (D.C. Official Code § 5-1501.05(a)(1)) is amended by striking the phrase “agency’s mission” and inserting the phrase “Department’s mission” in its place.

(e) Section 7 (D.C. Official Code § 5-1501.06) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “these forensic science services” and inserting the phrase “the forensic science services described in subsection (a) of this section” in its place.

(2) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) The Department shall provide public health laboratory services for the District of Columbia, which may include:

“(1) Disease prevention, control, and surveillance testing;

“(2) Emergency preparedness testing;

“(3) Food surveillance and testing; and

“(4) Reference and specialized testing.

“(c-2) The Department shall provide public health laboratory services upon request to District agencies.

“(c-3) The Department also may provide public health laboratory services to other government agencies, hospitals, academic institutions, nonprofit organizations, and other health-related entities.”

(f) Section 7a(b)(2) (D.C. Official Code § 5-1501.06a(b)(2)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(g) Section 11 (D.C. Official Code § 5-1501.10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (b)(1) is amended by striking the phrase “Director and the” and inserting the phrase “Director. The” in its place.

(h) Section 13 (D.C. Official Code § 5-1501.12) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (4)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(3) Paragraph (5) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic sciences services, or public health laboratory services” in its place.

(i) Section 14(a)(11) (D.C. Official Code § 5-1501.13(a)(11)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(j) Section 15 (D.C. Official Code § 5-1501.14) is amended as follows:

(1) Paragraph (1)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (2) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic science services, or public health laboratory services” in its place.

(k) Section 16(a)(1)(A) (D.C. Official Code § 5-1501.15(a)(1)(A)) is amended by striking the phrase “environmental testing services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

TITLE VI. COMPREHENSIVE YOUTH JUSTICE AMENDMENT

Sec. 601. Section 3c 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, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), is amended as follows:

(a) The section heading is amended by striking the phrase “18 years” and inserting the phrase “25 years” in its place.

(b) The lead-in language of subsection (a) is amended by striking the phrase “18th birthday” and inserting the phrase “25th birthday” in its place.

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

(1) Paragraph (1) is amended by striking the phrase “his or her 18th” and inserting the phrase “the defendant’s 25th” in its place.

(2) Paragraph (2) is amended by striking the phrase “evidence.” and inserting the phrase “evidence. The court may consider any records related to the underlying offense.” in its place.

(3) Paragraph (3) is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B) of this paragraph, the defendant shall be present at any hearing conducted under this section unless the defendant waives the right to be present. Any proceeding under this section may occur by video teleconferencing, and the requirement of a defendant's presence is satisfied by participation in the video teleconference.

“(B) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a defendant in the custody of the Bureau of Prisons who committed the offense for which the defendant has filed the application for sentence modification after the defendant's 18th birthday but before the defendant's 25th birthday may not petition the court to return to the Department of Corrections for a proceeding under this section.”.

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

(1) Paragraph (3) is amended by striking the phrase “he or she has been confined and” and inserting the phrase “the defendant has been confined, and” in its place.

(2) Paragraph (9) is amended by striking the phrase “extent an adult” and inserting the phrase “extent another person” in its place.

(3) Paragraph (10) is amended as follows:

(A) Strike the phrase “juveniles as compared to that of adults” and insert the phrase “juveniles and persons under age 25, as compared to that of older adults” in its place.

(B) Strike the phrase “crime;” and insert the phrase “crime, and the defendant's personal circumstances that support an aging out of crime;” in its place.

(e) New subsections (f), (g), (h), and (i) are added to read as follows:

“(f) The version of this section that was effective from May 10, 2019, to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127), shall apply to all proceedings initiated under this section in any District of Columbia court, including any appeals thereof, by defendants who were eligible under this section prior to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127), and shall apply to all proceedings under this section in any District of Columbia court, including any appeals thereof, that were pending prior to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127).

“(g) In considering applications filed by defendants for offenses committed after the defendant's 18th birthday, the court shall endeavor to prioritize consideration of the applications of defendants who have been incarcerated the longest; except, that the inability to identify those defendants shall not delay the court acting on other applications under this section.

“(h) Notwithstanding any other law, if a District government workforce development program requires District residency as a condition of program eligibility, the residency requirement shall be waived for defendants resentenced pursuant to this section.

“(i) Beginning in Fiscal Year 2022, the Office of Victim Services and Justice Grants shall, on an annual basis, issue a grant of \$200,000 to an organization that provides advocacy, case, management, and legal services, for the purpose of developing and offering restorative justice practices for survivors of violent crimes who seek such practices, such as for survivors impacted by post-conviction litigation.”.

TITLE VII. INVESTIGATING MATERNAL MORTALITIES

Sec. 701. Section 2906 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 § 5-1405), is amended as follows:

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

(1) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (12) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (13) is added to read as follows:

“(13) All maternal mortalities.”.

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

“(b-1) For the purposes of subsection (b) of this section, the term:

“(1) “Maternal mortalities” means pregnancy-associated deaths and pregnancy-related deaths, as those terms are defined in section 2(4) and (5) of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01(4) and (5)), and deaths resulting from severe maternal morbidity.

“(2) “Severe maternal morbidity” means one of the following outcomes of labor and delivery that results in short-term or long-term consequences to a woman’s health:

“(A) Acute myocardial infarction;

“(B) Acute renal failure;

“(C) Adult respiratory distress syndrome;

“(D) Air and thrombotic embolism;

“(E) Amniotic fluid embolism;

“(F) Anesthesia complications;

“(G) Aneurysm;

“(H) Blood products transfusion;

“(I) Cardiac arrest/ventricular fibrillation;

“(J) Conversion of cardiac rhythm;

“(K) Disseminated intravascular coagulation;

“(L) Eclampsia;

“(M) Heart failure/arrest during surgery or procedure;

“(N) Hysterectomy;

“(O) Puerperal cerebrovascular disorders;

- “(P) Pulmonary edema/acute heart failure;
- “(Q) Sepsis;
- “(R) Shock;
- “(S) Sickle cell disease with crisis;
- “(T) Temporary tracheostomy; or
- “(U) Ventilation.”.

TITLE VIII. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT COMMAND STAFF

Sec. 801. Section 801(d-3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(d-3)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “Battalion Fire Chief and Deputy Fire Chief” and inserting the phrase “Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief” in its place.

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

“(3) Members of the Fire and Emergency Medical Services Department appointed pursuant to this subsection shall be returned to the immediate previous civil service rank, or to the rank of Captain, when the Mayor so determines.”.

Sec. 802. Section 2(b) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-402(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “Battalion Fire Chief and Deputy Fire Chief” and inserting the phrase “Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief” in its place.

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

“(3) Members of the Fire and Emergency Medical Services Department appointed pursuant to this subsection shall be returned to the immediate previous civil service rank, or to the rank of Captain, when the Mayor so determines.”.

TITLE IX. CRIMINAL JUSTICE COORDINATING COUNCIL AMENDMENTS

Sec. 901. Section 102(a) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)), is amended as follows:

(a) Paragraph (3)(K) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (4)(B) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) To aid in the development of the report required by section 1505(b-3) 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 § 22-4234(b-3)).”.

Sec. 902. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(b) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(4) To meet the requirements of section 1505(b-3) 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 § 22-4234(b-3)).”.

Sec. 903. Section 1505 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 § 22-4234), is amended as follows:

(a) Subsection (b-3) is amended by striking the phrase “On October 1, 2018” and inserting the phrase “On October 1, 2020” in its place.

(b) A new subsection (b-4) is added to read as follows:

“(b-4) Upon request by the CJCC, and to aid in the development of the report required by subsection (b-3) of this section, the following agencies shall provide, or cause to be provided, the information listed below to the CJCC, including any associated personally identifying information:

“(1) For the Office of the State Superintendent of Education, the following information for each student enrolled in a District of Columbia Public School or a District of Columbia public charter school for the preceding 2 completed academic years:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including:

“(i) The school or campus attended by each student;

“(ii) The location of the school or campus;

“(iii) Whether the school or campus is an elementary school, middle school, or high school;

“(iv) Whether the school or campus is a public school, public charter school, or private school;

“(v) The student’s grade level;

“(vi) Whether the student receives special education services;

“(vii) Whether the student is identified as homeless; and

“(viii) Whether the student is one year older, or more, than the expected age for the grade in which the student is enrolled;

“(C) Attendance data;

“(D) Performance data, including:

“(i) Student performance on any District-wide assessments; and

“(ii) Grade advancement for students enrolled; and

“(E) Discipline data, including:

“(i) Total number of in-school suspensions, out-of-school suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with disabilities, changes in placement, experienced by the student during each school year;

“(ii) Total number of days excluded from school;

“(iii) Whether the student was referred to an alternative education setting for the duration of a suspension, and whether the student attended the alternative education setting;

“(iv) Whether the student was subject to a disciplinary unenrollment during the school year;

“(v) Whether the student voluntarily withdrew or voluntarily transferred from the school during the school year;

“(vi) Whether the student was subject to referral to law enforcement;

“(vii) Whether the student was subject to school-related arrest; and

“(viii) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students with disabilities, change in placement;

“(2) For the Department of Health Care Finance, the following information for individuals between the ages of 10 and 18:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including;

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- “(i) Eligibility start date;
- “(ii) Eligibility end date; and
- “(iii) Eligibility basis;

“(C) Claims data with mental, behavioral, and neurodevelopmental disorder diagnoses or substance abuse diagnoses; and

“(D) Claims data with mental health or substance abuse procedures;

“(3) For the Department of Human Services, enrollment data for households participating in the District’s Temporary Assistance for Needy Families (“TANF”) program, including:

“(A) The name, address, and date of birth for each household member for individuals between the ages of 10 and 18; and

“(B) Household income information; and

“(4) For the Child and Family Services Agency, the following information for individuals between the ages of 10 and 18:

“(A) Demographic information, including:

- “(i) Name, address, and date of birth;
- “(ii) Sex;
- “(iii) Gender;
- “(iv) Race; and
- “(v) Ethnicity;

“(B) Investigation data related to alleged child abuse or neglect, including:

“(i) Allegations made against the individual’s parents, guardians, or other custodians;

“(ii) Whether the allegations were substantiated or inconclusive;

“(iii) The date the investigation was completed or suspended;

“(iv) Whether the individual was removed from the home or another location;

“(v) The reason for the removal; and

“(vi) The date of the removal; and

“(C) Family assessment data related to alleged child abuse or neglect, including:

“(i) Allegations made against the individual’s parents, guardians, or other custodians;

“(ii) The date the family assessment was initiated;

“(iii) The date the family assessment was completed;

“(iv) Whether the family assessment resulted in the determination that the family needs services or resulted in a referral for investigation; and

“(v) The reason the family assessment was closed.”.

TITLE X. QUORUM AND REPORTING CLARIFICATION

Sec. 1001. Section 501 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 § 22-4251), is amended as follows:

(a) Subsection (b)(1) is amended by striking the phrase “following entities” and inserting the phrase “following entities, of which one-third shall constitute a quorum” in its place.

(b) Subsection (c) is amended by striking the phrase “June 1, 2019” and inserting the phrase “June 1, 2021” in its place.

**TITLE XI. CORRECTIONAL TREATMENT FACILITY HEALTH INSPECTIONS
EXPANSION**

Sec. 1101. Section 4902(a-1)(1) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a-1)(1)), is amended by striking the phrase “Central Detention Facility” and inserting the phrase “Central Detention Facility and Correctional Treatment Facility” in its place.

**TITLE XII. GOOD TIME CREDITS REFORM AND LOCAL COMPASSIONATE
RELEASE**

Sec. 1201. Section 2(b) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is amended as follows:

(a) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (10) is added to read as follows:

“(10) By October 1, 2021, work with the Office of the Attorney General, the Office of the United States Attorney for the District of Columbia, and the Office of Victim Services and Justice Grants to engage representatives of advocacy and legal services organizations for crime survivors’ rights in the District to explore potential enhancements to the process for inmate release notifications to crime survivors.”.

Sec. 1202. Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the phrase “this section combined.” and inserting the phrase “this section combined; except that the Department of Corrections shall have discretion to award additional credits beyond the limits described in this subsection, including pursuant to section 3 and this section, consistent with public safety.”.

Sec. 1203. 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. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) A new section 3a-1 is added to read as follows:

“Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

“(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days, or more if consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; except, that in the event of a maximum term of life, only the minimum term shall receive good time.

“(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days, or more if consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection:

“(A) Shall apply to any mandatory minimum term of incarceration; and

“(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.”.

(b) A new section 3d is added to read as follows:

“Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

“(a) Notwithstanding any other provision of law, the court shall modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant’s rehabilitation while incarcerated, and:

“(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

“(2) The defendant is 60 years of age or older and has served at least 20 years in prison; or

“(3) Other extraordinary and compelling reasons warrant such a modification, including:

“(A) A debilitating medical condition involving an incurable illness, or a debilitating injury from which the defendant will not recover;

“(B) Elderly age, defined as a defendant who:

“(i) Is 60 years of age or older;

“(ii) Has served the lesser of 15 years or 75% of the defendant’s sentence; and

“(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

“(C) Death or incapacitation of the family member caregiver of the defendant’s children; or

“(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

“(b) Motions brought pursuant to this section may be brought by the United States Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

“(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

“(d) For the purposes of this section, the term “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.”.

TITLE XIII. ALTERNATIVE SERVICE OF PROCESS

Sec. 1301. The Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Service of process on District residents.

“(a) Service of process may be made pursuant to the rules of the Superior Court on a defendant who is a resident and who was the owner or operator of a motor vehicle at the time such vehicle was involved in a collision on any public highway of the District.

“(b) When proof is made by affidavit that good faith efforts to serve a defendant pursuant to subsection (a) of this section have not succeeded, the court may order any other means of service that it considers appropriate in the circumstances and reasonably calculated to give actual notice, including by ordering that service be made upon the liability carrier to the defendant, the attorney the liability carrier retained, or the claims adjuster assigned to the claim. Such service shall be of the same legal force and validity as if served upon the defendant personally in the District.

“(c) Notice of service made pursuant to subsection (b) of this section shall include a copy of the summons and complaint and shall be sent by certified mail without return receipt requested by the plaintiff, or the plaintiff’s attorney, to the defendant at the defendant’s last known address. The plaintiff has a duty to exercise due diligence in the investigation of the last known address of the defendant.

“(d) The methods of service provided in this section are in addition to any other means of service that may be provided by statute or rule for obtaining jurisdiction over a defendant.

“(e) For the purposes of this section, the term “resident” shall include any person who is a resident of the District at the time of the collision or who was not a resident of the District at the time of the collision but subsequently became a resident of the District and is a resident of the District at the time process is sought to be served on the person as a result of such collision.”.

TITLE XIV. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION CONFORMING AMENDMENT

Sec. 1401. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-26) to read as follows:

“(b-26) This act shall apply to all adjudicated cases involving a civil violation penalized under section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)).”.

Sec. 1402. Section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)), is amended to read as follows:

“(a)(1) Except as provided in subsection (b)(1) of this section, a violation of section 2(b) or section 3 shall be punishable by a civil fine of not more than \$50.

“(2)(A) Violations penalized under this subsection shall be adjudicated by the Office of Administrative Hearings in accordance with Title II of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-1211 *et seq.*); provided, that a person issued a notice of infraction shall not be assessed any additional penalties other than the civil fine for the violation, including the penalties described in sections 202(e) and 203(d) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code §§ 48-1212(e) and 48-1213(d)).

“(B) The Office of Administrative Hearings, 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 paragraph.

“(3) Individuals authorized to issue notices of infractions for the violations penalized under this subsection include any police officer with authority to make arrests within the District, including members of the Metro Transit Police Department.”.

TITLE XV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 1501. Applicability.

ENROLLED ORIGINAL

(a) The amendatory subsection (i) within section 601(e) and section 1101 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provisions identified in subsection (a) of this section.

Sec. 1502. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 1503. 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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.


Chairman

Council of the District of Columbia


Mayor
District of Columbia

APPROVED
January 13, 2021



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B23-0127**

[] ITEM ON CONSENT CALENDAR

[X] ACTION

First Reading

[X] VOTE DATE

December 1, 2020

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Grosso	X					Silverman	X				
Allen	X					McDuffie	X					T. White	X				
Bonds	X					Nadeau	X					Todd	X				
Cheh	X					Pinto	X										
Gray	X					R. White	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD



Secretary to the Council

12-21-20

Date

Docket No. **B23-0127**

[] ITEM ON CONSENT CALENDAR

[X] ACTION

Final Reading

[X] VOTE DATE

December 15, 2020

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Passed

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Grosso	X					Silverman	X				
Allen	X					McDuffie	X					T. White	X				
Bonds	X					Nadeau	X					Todd		X			
Cheh	X					Pinto	X										
Gray	X					R. White	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD



Secretary to the Council

12-21-20

Date