

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to authorize the Attorney General to issue grants, not to exceed the total amount of \$360,000, for the purposes of crime reduction and violence interruption and to use the Litigation Support Fund to pay any personnel and non-personnel costs related to administering such a grant; to amend the Confirmation Act of 1978 to make nominations to the Board of Ethics and Government Accountability, Corrections Information Council, and District of Columbia Sentencing Commission subject to a 90-day period of Council review, after which the nominations would be deemed disapproved; to amend the Open Meetings Amendment Act of 2010 to require the retention of recordings and minutes of meetings of a public body for a minimum of 5 years; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to make conforming changes; to amend the Address Confidentiality Act of 2018 to clarify that a designee of the Director of the Office of Victim Services and Justice Grants may be selected as an agent for the purpose of service of process, to require program participants to provide the Office of Tax and Revenue with their actual addresses, and to clarify how the Office of Tax and Revenue should display program participants' actual addresses; to amend the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking of persons, a commercial sex act, or sex trafficking of children; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to make a conforming amendment; to amend the Access to Justice Initiative Establishment Act of 2010 to make minor changes to loan repayment assistance program applicants' and participants' eligibility; to amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to make technical changes; to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election ward; to amend section 13-338 of the District of Columbia Official Code to make a conforming change; to amend section 16-1053 of the District of Columbia Official Code to make technical changes; to amend section 16-2322 of the District of Columbia Code to clarify that existing Family Court orders currently in force with respect to a child who is adjudicated in need of supervision, but not delinquent, shall terminate immediately for any child who is 18 years of age or older and, for any other child, when that child reaches 18 years of age; to amend

the National Capital Revitalization and Self-Government Improvement Act of 1997 to make conforming and technical changes; 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 to earn good time credits for any offense in accordance with federal law and to clarify provisions allowing for sentence review for individuals who have served a certain number of years in prison for crimes committed as juveniles; and to amend the District of Columbia Traffic Act, 1925 to clarify the definition of all-terrain vehicle or ATV.

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 2018”.

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

(a) Section 106b (D.C. Official Code § 1-301.86b) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) The Fund may be used to pay personnel and non-personnel costs related to administering any grant issued pursuant to the authority provided in section 108c(a).”.

(b) A new section 108c is added to read as follows:

“Sec. 108c. Authority to issue grants for crime reduction and violence interruption.

“(a) The Attorney General may issue grants not to exceed the total amount of \$360,000 for the purposes of crime reduction and violence interruption.

“(b) Personnel and non-personnel costs related to administering any grants issued pursuant to the authority provided in subsection (a) of this section may be paid from funds deposited into the Litigation Support Fund established in section 106b.”.

Sec. 3. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

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

(1) Paragraph (31) is amended by striking the phrase “; provided, that a nomination to the Board of Ethics and Government Accountability shall be submitted to the Council for a 45-day period of review, pursuant to section 203(b)(1) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03(b)(1));” and inserting a semicolon in its place.

(2) Paragraph (35) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (36) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (37) and (38) are added to read as follows:

“(37) The Corrections Information Council, established by section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01); and

“(38) The District of Columbia Sentencing Commission, established by section 2(a) of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101(a)).”.

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

(1) Paragraph (52) is amended by striking the phrase “Boys established” and inserting the phrase “Boys, established” in its place.

(2) Paragraph (53) is amended by striking the phrase “Health Equity.” and inserting the phrase “Health Equity, established by section 5043 of the Commission on Health Equity Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 7-756.01);” in its place.

(3) Paragraph (54) is amended by striking the phrase “Youth apprenticeship” and inserting the phrase “Youth Apprenticeship” in its place.

(4) Paragraph (55) is amended by striking the phrase “Commission established” and inserting the phrase “Commission, established” in its place.

(5) Paragraph (56) is amended by striking the phrase “Outcomes established” and inserting the phrase “Outcomes, established” in its place.

(6) Paragraph (57) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(7) Paragraph (58) is amended as follows:

(A) Strike the phrase “Commission established” and inserting the phrase “Commission, established” in its place.

(B) Strike the period and insert a semicolon in its place.

(8) Paragraph (59) is amended by striking the period and inserting a semicolon in its place.

Sec. 4. Section 408(a) of the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-578(a)), is amended to read as follows:

“(a) All meetings of public bodies, whether open or closed, shall be recorded by electronic means, and the recording shall be preserved for a minimum of 5 years; provided, that if a recording is not feasible, detailed minutes of the meeting shall be taken and preserved for a minimum of 5 years.”.

Sec. 5. Section 3 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-102), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) The Mayor shall submit a nomination for membership pursuant to 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)).”.

Sec. 6. The Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.01 *et seq.*), is amended as follows:

(a) Section 103(d) (D.C. Official Code § 4-555.03(d)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “by OVJSG” and inserting the phrase “by OVSJG” in its place.

(2) Paragraph (6) is amended by striking the phrase “of OVJSG” and inserting the phrase “of OVSJG, or the Director’s designee,” in its place.

(b) Section 105 (D.C. Official Code § 4-555.05) is amended as follows:

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

“(d)(1) Only a participant’s actual address shall be used on any document filed with the Office of Tax and Revenue.

“(2) The Office of Tax and Revenue shall not index by a participant’s name in any online database of the agency relating to:

“(A) Assessment and tax information; and

“(B) All recorded documents; provided, that a court order, a judgment, a lien, or any document related to debt collection that is not a security interest instrument, may be indexed by the participant’s name.

“(3) The participant’s name may be included in any notice or index published by the Office of Tax and Revenue for the collection of debt, including taxes.

“(4) This subsection shall not require the Office of Tax and Revenue to redact or otherwise erase a participant’s name or address in any document or electronic record in its online database.

“(5) Except as provided in this subsection, the Office of Tax and Revenue shall not disclose a participant’s actual address, unless OVSJG permits disclosure pursuant to the rules issued under section 112.”.

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

“(3) This subsection shall not apply to the Office of Tax and Revenue.”.

(c) Section 108(a) (D.C. Official Code § 4-555.08(a)) is amended to read as follows:

“(a) Except as provided by this title, no person shall intentionally obtain from a District agency, other than the Office of Tax and Revenue, or disclose a participant’s actual address knowing that the participant is participating in the Program, unless required by existing law or by OVSJG pursuant to the rules issued under section 112.”.

Sec. 7. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

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

“(1)(A) “Abused”, when used in reference to a child, means:

“(i) Abused, as that term is defined in D.C. Official Code § 16-2301(23); or

“(ii) Sexual abuse, which shall include:

“(I) Sex trafficking or severe forms of trafficking in persons, as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims

Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

“(II) A commercial sex act, as that term is defined in section 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

“(III) Sex trafficking of children, as described in section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834).

“(B) Nothing in this paragraph shall be construed as preventing or intending to prevent:

“(i) Sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of children from being considered a form of sexual abuse for purposes of D.C. Official Code § 16-2301(32); or

“(ii) The Agency from offering or providing services for a child victim of sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of children, including where the child was not abused or neglected by a parent, guardian, or custodian.”

(b) Paragraph (15A) is amended to read as follows:

“(15A) “Neglected child” means a child who is a:

“(A) Neglected child, as that term is defined in D.C. Official Code § 16-2301(9);

“(B) Victim of sex trafficking or severe forms of trafficking in persons, as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

“(C) Victim of a commercial sex act, as that term is defined in section 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

“(D) Victim of sex trafficking of children, as described in section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834).”

Sec. 8. Section 2(a) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase “neglected child, as defined in D.C. Code, sec. 16-2301(9), shall” and inserting the phrase “neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(15A)), shall” in its place.

Sec. 9. The Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 101(2) (D.C. Official Code § 4-1701.01(2)) is repealed.

(b) Section 403(a)(4) (D.C. Official Code § 4-1704.03) is amended to read as follows:

“(4) Have a current salary (including bonuses and other wages) of less than \$90,000;”.

(c) Section 404(b)(4) (D.C. Official Code § 4-1704.04(b)(4)) is amended by striking the phrase “debt to adjusted gross income” and inserting the phrase “debt to income” in its place.

(d) Section 405 (D.C. Official Code § 4-1704.05) is amended as follows:

(1) Subsection (a)(3) is amended by striking the phrase “employment and annual adjusted gross income” and inserting the phrase “employment, current salary (including bonuses and other wages), and other sources of income,” in its place.

(2) Subsection (d) is amended by striking the phrase “who provides adequate notice to the Administrator of voluntary withdrawal from eligible employment shall be forgiven for the loan through the date of the voluntary withdrawal from eligible employment” and inserting the phrase “who becomes ineligible to participate in the LRAP shall be forgiven for the loan through the date of the ineligibility” in its place.

Sec. 10. Subtitle D of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 *et seq.*), is amended as follows:

(a) Section 652(b) (D.C. Official Code § 5-652(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)” in its place.

(2) Paragraph (2) is amended by striking the phrase “the EMS employee’s disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting the phrase “the EMS employee’s injury, as defined by section 2301(e) 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 § 1-623.01(5))” in its place.

(b) Section 653(b) (D.C. Official Code § 653(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)” in its place.

(2) Paragraph (3) is amended by striking the phrase “the EMS employee’s disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting the phrase “the EMS employee’s injury, as defined by section 2301(e) 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 § 1-623.01(5))” in its place.

(c) Section 654(b) is amended as follows

(1) The lead-in language is amended by striking the phrase “the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)” in its place.

(2) Paragraph (3) is amended by striking the phrase “the EMS employee’s disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting the phrase “the EMS employee’s injury, as defined by section 2301(e) 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 § 1-623.01(5))” in its place.

Sec. 11. Section 7(d)(3) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)(3)), is amended by adding a new subparagraph (C) to read as follows:

“(C) Any applicant that submitted an application on July 19, 2015, for a registration to operate a cultivation center shall be allowed to modify the location of the cultivation center on its application without negatively affecting the current status of the application.”.

Sec. 12. Section 13-338 of the District of Columbia Official Code is amended to read as follows:

§ 13-338. Prerequisites for order of publication.

“An order for the substitution of publication for personal service may not be made until:

“(1) A summons for the defendant has been issued and returned “not to be found”;

and

“(2) The plaintiff proves by affidavit to the satisfaction of the court:

“(A) The nonresidence of the defendant or his or her absence for at least 6 months; or

“(B) Diligent efforts to find the defendant or that the defendant seeks to avoid service of process by concealment.”.

Sec. 13. Section 16-1053 of the District of Columbia Official Code is amended as follows:

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

(1) Paragraph (3) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General” in its place.

(2) Paragraph (6) is amended to read as follows:

“(6) Department of Behavioral Health;”.

(b) Subsection (b)(2) is amended by striking the phrase “Unites States” and inserting the phrase “United States” in its place.

(c) Subsection (f) is amended by striking the phrase “a Chairman” and inserting the phrase “a Chairperson” in its place.

Sec. 14. Section 16-2322 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(2) is amended by striking the phrase “his parent” and inserting the phrase “his or her parent” in place.

(b) Subsection (c) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General” in its place.

(c) Subsection (e) is amended by striking the word “his” both times it appears and inserting the phrase “his or her” in their place.

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

(1) The existing text is designated as paragraph (1).

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

“(2) Orders in force as of the effective date of the Omnibus Public Safety and Justice Amendment Act of 2018, passed on 2nd reading on December 18, 2018 (Enrolled version of Bill 22-255), with respect to a child who is adjudicated in need of supervision, but not delinquent, shall terminate immediately for any child who is 18 years of age or older and, for any other child, when that child reaches 18 years of age.”.

Sec. 15. Section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01), is amended as follows:

(a) The section heading is amended by striking the phrase “District of Columbia Corrections” and inserting the word “Corrections” in its place.

(b) Subsection (a) is amended by striking the phrase “a District of Columbia” and inserting the word “a” in its place.

(c) Subsection (b)(2)(A) is amended by striking the phrase “with the advice and consent of the Council” and inserting the phrase “pursuant to 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))” in its place.

Sec. 16. 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. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) Section 3a(d) (D.C. Official Code § 24-403.01(d)) is amended to read as follows:

“(d) Notwithstanding any other law, a person sentenced to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section for any offense may receive good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).”.

(b) Section 3c (D.C. Official Code § 24-403.03) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “court may” and inserting the phrase “court shall” in its place.

(B) Paragraph (1) is amended to read as follows:

“(1) The defendant was sentenced pursuant to section 3 or section 3a, or was committed pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 15 years in prison; and”.

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

(A) Paragraph (2) is amended by striking the phrase “written materials” and inserting the phrase “testimony, examinations, or written materials” in its place.

(B) Paragraph (4) is amended by striking the phrase “section.” and inserting the phrase “section, but the court may proceed to sentencing immediately after granting the application.” in its place.

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

(A) Paragraph (2) is amended by striking the phrase “The nature of the offense and the history” and inserting the phrase “The history” in its place.

(B) Paragraph (10) is amended by striking the phrase “a lifetime in prison” and inserting the phrase “lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime” in its place.

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

“(d) If the court denies or grants only in part the defendant's 1st application under this section, a court shall entertain a 2nd application under this section no sooner than 3 years after the date that the order on the initial application becomes final. If the court denies or grants only in part the defendant's 2nd application under this section, a court shall entertain a 3rd and final application under this section no sooner than 3 years following the date that the order on the 2nd application becomes final. No court shall entertain a 4th or successive application under this section.”.

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

(A) The existing text is designated as paragraph (1).

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

“(2) Notwithstanding any other provision of law, when resentencing a defendant under this section, the court:

“(A) May issue a sentence less than the minimum term otherwise required by law; and

“(B) Shall not impose a sentence of life imprisonment without the possibility of parole or release.”.

Sec. 17. Section 2(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(2)), is amended by striking the phrase “with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed” and inserting the phrase “with 3 or more tires that is designed” in its place.

Sec. 18. Fiscal impact statement.

The Council adopts the fiscal impact statement provided 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. 19. 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