

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to enhance the Private Security Camera System Incentive Program by removing the program rebate cap; to amend the Anti-Sexual Abuse Act of 1994 to clarify the definition of significant relationship in sexual abuse cases; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011 to require that all participating entities in the Criminal Justice Coordinating Council report aggregate programmatic data on process and outcomes of programs, and to require the Criminal Justice Coordinating Council to publish data related to arrests for violent crimes, gun violence, and homicide counts and rates; 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 establish an offense of endangerment with a firearm; to amend section 16-2310 of the District of Columbia Official Code to establish a rebuttable presumption that pre-hearing detention is necessary where there is a substantial probability that the youth committed certain serious violent crimes or committed a dangerous crime or crime of violence while armed with a knife; to amend Title 23 of the District of Columbia Official Code to establish a rebuttable presumption in favor of detaining a person pretrial where there is probable cause that the person committed a violent crime, to change the standard of proof necessary to trigger a rebuttable presumption for certain serious crimes, to provide courts with discretion to make a misdemeanor arrest warrant extraditable, to clarify that GPS records from the Pretrial Services Agency are admissible in court on the issue of guilt, and to direct the Court to expedite cases involving a child victim; to amend An Act To establish a code of law for the District of Columbia to create a new standalone offense of strangulation; to require the Metropolitan Police Department to publish closure information for all violent crimes and non-fatal shootings; to revive the Extreme Risk Protection Order Implementation Working Group and to require the Metropolitan Police Department and the Office of the Attorney General to assist publicizing information about extreme risk protection orders; to require the Metropolitan Police Department to review every shooting to inform immediate interventions, and to require the Deputy

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Mayor for Public Safety and Justice to review each shooting from a services and response perspective; and to require the Mayor to submit to the Council and post on its website a firearm tracing date and accountability report.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Prioritizing Public Safety Temporary Amendment Act of 2023”.

Sec. 2. Section 214 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2831), is amended as follows:

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

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

“(1) Upon approval of a rebate claim submitted pursuant to subsection (b) of this section, the Program shall provide a rebate; provided, that the amount of the rebate shall not be more than the purchase price of the system.”.

(2) Paragraph (3) is repealed.

(b) Subsection (e)(1)(C) is repealed.

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

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

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

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

“(5) The maximum amount of rebate that will be available under this section after the applicability date of section 2(a)(1) of the Prioritizing Public Safety Temporary Amendment Act of 2023, passed on 2nd reading on September 19, 2023 (Enrolled version of Bill 25-396).”.

Sec. 3. Section 16-2310(a-1)(1)(A) of the District of Columbia Official Code is amended to read as follows:

“(A) Committed:

“(i) A dangerous crime or a crime of violence while armed with or having readily available a knife, pistol, firearm, or imitation firearm; or

“(ii) Unarmed murder, first-degree sexual abuse, carjacking, or assault with intent to commit any such offense; or”.

Sec. 4. Section 101(10)(D) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(10)(D)), is amended by striking the

phrase “employee or volunteer” and inserting the phrase “employee, contractor, or volunteer” in its place.

Sec. 5. Section 1501 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended by adding new subsections (b-5) and (b-6) to read as follows:

“(b-5) By October 1, 2023, and on a quarterly basis thereafter, the CJCC shall submit to the Mayor and the Council and post on its website a report that includes the following information, in accordance with existing law:

“(1) Aggregate programmatic data on process and outcome of programs, including diversion; and

“(2) Aggregate outcomes of alternative dispositions and sentencing agreements.

“(b-6) The CJCC shall post the following year-to-date data on its website monthly, beginning with the earliest year for which CJCC is able to obtain historical data:

“(1) Arrests for violent crimes committed by juveniles and adults, by offense; and

“(2) Gun violence and homicide counts and rates citywide and by ward, neighborhood, and police service area.”.

Sec. 6. 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 as follows:

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

“(4A) “Open to the general public” means a location:

“(A) To which the public is invited; and

“(B) For which no payment, membership, affiliation, appointment, or special permission is required for an adult to enter, other than proof of age or a security screening.”.

(2) Paragraph (7A) is redesignated as paragraph (7B).

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

“(7A) “Public conveyance” means any government-operated air, land, or water vehicle used for the transportation of persons, including any airplane, train, bus, or boat.”.

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

“Sec. 3c. Endangerment with a firearm.

“(a) A person commits endangerment with a firearm when the person:

“(1) Knowingly discharges a projectile from a firearm outside a licensed firing range; and

“(2) Either:

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“(A) The person knows that the discharged projectile creates a substantial risk of death or bodily injury to another person; or

“(B) In fact:

“(i) The person is in, or the discharged projectile travels through or stops in, a location that is:

“(I) Open to the general public at the time of the offense;

“(II) A communal area of multi-unit housing; or

“(III) Inside a public conveyance or a rail station; and

“(ii) The person does not have permission to discharge a projectile from a firearm under:

“(I) A written permit issued by the Metropolitan Police Department; or

“(II) Other District or federal law.

“(b) Whoever violates this section shall upon conviction be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-357.01), or incarcerated for no more than 2 years, or both.

“(c) When arising from the same act or course of conduct, a conviction for an offense under this section shall merge with a conviction:

“(1) Under section 3a; or

“(2) For another offense outside of this act that has, as an element in the offense definition or in the applicable penalty enhancement, possessing or having readily available a firearm, imitation firearm, or dangerous weapon.

“(d) No mental state shall be required as to any element under subsection (a)(2)(B) of this section.

“(e) It shall be a defense to liability under this section that the person discharged a firearm under circumstances constituting lawful self-defense or defense of others.”.

Sec. 7. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-563(b) is amended to read as follows:

“(b)(1) A warrant or summons issued by the Superior Court of the District of Columbia for an offense punishable by imprisonment for not more than one year, or by a fine only, or by such imprisonment and a fine:

“(A)(i) May be served in any place in the District of Columbia; or

“(ii) May be served at any place within the jurisdiction of the United States, if a judicial officer of the Superior Court of the District of Columbia finds that good cause exists for the warrant or summons to be served at any place within the jurisdiction of the United States; and

“(B) May not be executed more than one year after the date of issuance.

“(2) Good cause for the warrant or summons to be served at any place within the jurisdiction of the United States is presumed where the warrant or summons is for an intrafamily offense, as defined in § 16-1001(8), or where the warrant or summons is for an offense under Chapter 30 of Title 22 of the District of Columbia Official Code.”.

(b) Section 23-1303(d) is amended to read as follows:

“(d) Any information contained in the agency’s files, presented in its report, or divulged during the course of any hearing shall not be admissible on the issue of guilt in any judicial proceeding, but such information may be used in proceedings under §§ 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceeding. Any information obtained from a device, as that term is defined in § 22-1211(a)(2), may be used on the issue of guilt in any judicial proceeding.”.

(c) Section 23-1322 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “or a crime of violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its place.

(B) Paragraph (3) is amended by striking the phrase “or a crime of violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its place.

(C) Paragraph (4) is amended by striking the phrase “crime or a crime of violence” and inserting the word “crime” in its place.

(D) Paragraph (5) is amended by striking the phrase “crimes or crimes of violence” and inserting the word “crimes” in its place.

(E) Paragraph (6) is repealed.

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

(G) Paragraph (8) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(9) Committed a crime of violence, as that term is defined in § 23-1331(4).”.

(d) Section 23-1325(a) is amended by striking the phrase “a substantial probability” and inserting the phrase “probable cause” in its place.

(e) Section 23-1903(d) is amended as follows:

(1) Strike the phrase “child is called to give testimony” and insert the phrase “child is a victim or is called to give testimony” in its place.

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(2) Strike the phrase “granting a continuance in cases involving a child witness” and insert the phrase “granting a continuance in cases involving a child victim or child witness” in its place.

Sec. 8. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended by adding a new section 806d to read as follows:

“Sec. 806d. Strangulation.

“(a) A person commits the offense of strangulation if that person knowingly, intentionally, or recklessly restricts the normal circulation of the blood or breathing of another person, either by applying pressure on the throat, neck, or chest of another person, or by blocking the nose or mouth of another person.

“(b) Except for as provided in subsection (c) of this section, a person convicted of strangulation shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 5 years, or both.

“(c) A person convicted of strangulation may be fined up to 1½ times the maximum fine otherwise authorized under this section and may be incarcerated for a term of up to 1½ times the maximum term of incarceration otherwise authorized under this section, or both, if:

“(1) The victim sustained serious bodily injury, as that term is defined in section 101(7) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(7)), as a result of the offense;

“(2) The person was, at the time of the offense, required to stay away from or have no contact with the victim as a condition of their parole or supervised release or pursuant to a court order; or

“(3) The person was, within 5 years of commission of the strangulation offense, convicted of either an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), or a similar offense in the law of another jurisdiction.”.

Sec. 9. Section 386(c) of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01(c)), is amended by adding a new paragraph (1B) to read as follows:

“(1B) Quarterly, the case closure rates for:

“(A) Violent crimes, by offense, committed with or without the use of a weapon; and

“(B) Non-fatal shootings.”.

Sec. 10. Title X of the Firearms Control Regulations Act of 1975, effective April 27, 2021 (D.C. Law 23-274; D.C. Official Code § 7-2510.01 *et seq.*), is amended as follows:

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(a) Section 1013 (D.C. Official Code § 7-2510.13) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “Working Group” and inserting the phrase “Working Group, and shall convene the Working Group no later than September 1, 2023” in its place.

(2) Subsection (e) is amended by striking the phrase “January 1, 2023” and inserting the phrase “January 1, 2025” in its place.

(b) A new section 1014 is added to read as follows:

“Sec. 1014. Public awareness initiatives.

“By September 1, 2023:

“(1) The Metropolitan Police Department shall prominently display information about extreme risk protection orders, including the petition process, on its website; and

“(2) The Office of the Attorney General shall develop and implement a public awareness campaign to inform residents, professionals, and District government employees about extreme risk protection orders, including the petition process.”.

Sec. 11. Implementation of strategic gun violence reduction strategies.

(a)(1) The Metropolitan Police Department shall facilitate a Law Enforcement Shooting Review no less than twice per month to review each shooting in the District that occurred since the last Shooting Review, including non-fatal shootings.

(2) The purpose of such Law Enforcement Shooting Reviews shall be to identify shooting dynamics, potential retaliation, and necessary law enforcement or other government agency contacts or interventions with persons involved in the reviewed shootings, and then assign responsibilities for immediate interventions.

(b) The Deputy Mayor for Public Safety and Justice shall coordinate a Coordination Meeting/Intervention Services Shooting Review no less than twice per month to review each shooting in the District that occurred since the last Shooting Review from a services and response perspective, in order to identify and assign government and community partners to outreach and engage those high-risk individuals implicated by the shootings.

Sec. 12. Firearm tracing data and accountability report.

(a) By January 1, 2024, the Mayor shall submit to the Council and post on its website a report that includes the following information:

(1) The total number of firearms recovered in the District;

(2) The location where each firearm was recovered, disaggregated by police district;

(3) The total number of ghost guns recovered in the District;

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(4) The number of firearms recovered, disaggregated by, if available, manufacturer, firearm model, state or country of origin, and the last known point of sale, transfer, theft, or loss of such firearm; and

(5) To the extent possible, an analysis of purchase patterns with the available information from the firearms recovered.

(b) The Mayor shall begin collecting this information not later than 15 days after the effective date of this act.

(c) For the purposes of this section, the term "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)).

Sec. 13. Applicability.

Section 2(a)(1) shall apply upon the effective date of the rules issued pursuant to section 214(f)(5) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2831(f)(5)).

Sec. 14. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 15. Effective date.

(a) 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.

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(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia