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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-164

"Correctional Treatment Facility Temporary Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-578, on first and second readings, March 3, 1998 and April 7, 1998, respectively. Following the signature of the Mayor on April 20, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-335 and published in the May 15, 1998, edition of the D.C. Register (Vol. 45 page 2937) and transmitted to Congress on May 19, 1998 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-164, effective October 10, 1998.

Finde Dr. Origy

LINDA W. CROPP Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

May 19,20,21,22

June 1,2,3,4,5,9,10,11,12,15,16,17,18,19,22,23,24,25

July 14,15,16,17,20,21,22,23,24,27,28,29,30,31,

Sept. 8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30

Oct. 1,2,5,6,7,8,9

AN ACT

D.C. ACT 12-335

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 20, 1998

To amend, on a temporary basis, the Correctional Treatment Facility Act of 1996 to authorize the use of force and use of weapons by correctional officers employed by the operator of any private prison facility housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, in addition to the Correctional Treatment Facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Correctional Treatment Facility Temporary Amendment Act of 1998".

Sec. 2. The Correctional Treatment Facility Act of 1996, effective June 3, 1997 (D.C. Law 11-276; D.C. Code § 24-495.1 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 24-495.1) is amended as follows:

(1) Paragraph (4) is amended to read as follows:

"(4) "Private correctional officer" means any full-time or part-time employee of the private operator of the Correctional Treatment Facility or any other privately-operated prison facility housing inmates in the District for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, or the subcontractor of any private operator housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, whose primary responsibility is the supervision, protection, care, and control of inmates assigned to the Correctional Treatment Facility or any other privately-operated prison facility in the District."

(2) Paragraph (5) is amended to read as follows:

"(5) "Private operator" means any individual, partnership, corporation, or incorporated association bound by contract with the District or the United States to operate the Correctional Treatment Facility or any other prison facility housing inmates in the District for the District of Columbia Department of Corrections or the Federal Bureau of Prisons.".

(b) Subsection 3(a) (D.C. Code § 24-495.2(a)) is amended to read as follows:

"(a) A private correctional officer may carry firearms provided by the private operator only in the following situations:

Note, Section 24-495.1

Note, Section

24-495.2

Codification District of Columbia Code 1999 Supp.

"(1) While patrolling the perimeter grounds at the CTF or any other privatelyoperated prison facility;

"(2) While transporting inmates assigned to the CTF or any other privatelyoperated prison facility;

"(3) While pursuing inmates assigned to the CTF or any other privately-operated prison facility who have escaped from the custody of the Department of Corrections or the Federal Bureau of Prisons; and

"(4) During a state of emergency as determined by the Department of Corrections or the Federal Bureau of Prisons.".

(c) Section 4 (D.C. Code § 24-495.3) is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

Note, Section 24-495.3

"(b) An inmate confined in any privately-operated prison facility established pursuant to Subtitle C of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 712; P.L. 105-33), shall be deemed to be at all times in the legal custody of the Federal Bureau of Prisons. Only the Federal Bureau of Prisons shall have authority to transfer or assign inmates into or out of the privately-operated prison facility. All laws and regulations governing conduct of inmates in Federal Bureau of Prisons facilities shall apply to inmates confined in any privately-operated prison facility during such time as the prison facility is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees shall apply wherever applicable to offenses committed against any private correctional officer or other employee of the private operator."

Sec. 3. The enactment of this act will have no adverse fiscal impact, and has the potential for favorable fiscal impact because it will allow the District to be considered by the Federal Bureau of Prisons as a location of a new privately-operated prison facility for at least 2,200 District inmates, a project which would generate jobs and increase District revenues.

Sec. 4. (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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116: D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(2)), and publication in the District of Columbia Register.

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

Chairman

Council of the District of Columbia

Bun . . Mayor

District of Columbia APPROVED: April 20, 1998

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Secretary to the Council

AN ACT

Codification District of Columbia Code 1999 Supp.

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rb Chairman Council of the District of Columbia

Mayor District of Columbia

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COUNCIE OF THE PROTNELL OF COLUMNIA COUNCIL PERIOD TWELVE

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AB - Absent CERTIFICATION RECORD

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Date

Patterson

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Secretary to the Council