

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-282

"Metropolitan Police Department Civilianization Temporary Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-709, on first and second readings, July 30, 1998 and September 22, 1998, respectively. Following the signature of the Mayor on October 8, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-492 and it was published in the December 4, 1998 edition of the D.C. Register (Vol. 45 page 8425). The Act was transmitted to Congress on January 29, 1999 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 the Act is now D.C. Law 12-282, effective May 28, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25
Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25
Apr. 12,13,14,15,19,20,21,22,26,27,28,29,30
May 3,4,5,6,10,11,12,13,14,17,18,19,20,24,25,26,27

AN ACT
D.C. ACT 12-492

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 13, 1998

To amend, on a temporary basis, the District of Columbia Law Enforcement Act of 1953 to make it a crime to resist or interfere with any designated civilian employee of the Metropolitan Police Department who is engaged in the performance of his or her official duties; to amend the Commercial Counterfeiting Criminalization Act of 1996 to allow designated civilian employees of the Metropolitan Police Department to seize counterfeited trademarks; to amend An Act To establish a code of law for the District of Columbia to allow designated civilian employees of the Metropolitan Police Department to seize gambling implements; to amend An Act To revise and modernize the fish and game laws of the District of Columbia, and for other purposes, to allow designated civilian employees of the Metropolitan Police Department to seize illegal hunting and fishing implements; 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 exempt designated civilian employees of the Metropolitan Police Department from the prohibition on possessing machine guns, sawed-off shotguns, and blackjacks and to allow designated civilian employees of the Metropolitan Police Department to seize dangerous articles discovered in the course of a lawful search; to amend Title 23 of the District of Columbia Code to make designated civilian employees of the Metropolitan Police Department responsible for the safekeeping of evidence seized, to allow designated civilian employees of the Metropolitan Police Department to bring arrestees before the court or other judicial body, and to allow designated civilian employees to request reports from the District of Columbia Pretrial Services Agency; 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 and require designated civilian employees of the Metropolitan Police Department to take prisoners who have violated parole to the penal institution of the District of Columbia; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to allow designated civilian employees of the Metropolitan Police Department to possess controlled substances when on duty and

ENROLLED ORIGINAL

acting in the performance of officially authorized functions, to prevent these employees from divulging any knowledge relating to prescription records, order forms, or trade secrets that he or she comes across by virtue of his or her office, to allow these employees to seize property related to controlled substances, and to allow these employees to perform administrative and support duties without the risk of civil or criminal liability for the proper execution of said duties; and to amend An Act To regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia to require that designated civilian employees of the Metropolitan Police Department who take property under a warrant provide a copy of the warrant together with a receipt for the property taken to the person from whom it was taken, and to require that these employees return the warrant to the judge or magistrate with a written inventory of the property taken, attesting to the accuracy and completeness of the inventory.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998".

Sec. 2. Section 205(a) of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 95; D.C. Code § 22-505(a)), is amended by inserting the phrase "any designated civilian employee of the Metropolitan Police Department" before the phrase "any campus or university special police officer,".

Note, Section
22-505

Sec. 3. Section 3(e) of the Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Code § 22-752(e)), is amended by inserting the phrase ", including any designated civilian employee of the Metropolitan Police Department," before the phrase "in accordance with the procedures established by section 502 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-552)."

Note, Section
22-752

Sec. 4. Section 866(c) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Code § 22-1505(c)), is amended by inserting the phrase "designated civilian employee of the Metropolitan Police Department or any" after the phrase "; shall be subject to seizure by any".

Note, Section
22-1505

Sec. 5. Section 3(a) of An Act To revise and modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Code § 22-1630(a)), is amended by inserting the phrase ", or any designated civilian employee of the Metropolitan Police Department," before the phrase "upon the arrest of such person on a

Note, Section
22-1630

ENROLLED ORIGINAL

charge of violating any provision of this act or any regulations made pursuant thereto, and be delivered to the Mayor."

Sec. 6. Section 14(a) of 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. 654; D.C. Code § 22-3214(a)), is amended by inserting the phrase "including any designated civilian employee of the Metropolitan Police Department, or" after the phrase "or other duly appointed law enforcement officers,".

**Note, Section
22-3214**

Sec. 7. Section 18 of 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 February 20, 1952 (66 Stat. 8; D.C. Code § 22-3217), is amended as follows:

**Note, Section
22-3217**

(a) Subsection (c) is amended by inserting the phrase "or when a designated civilian employee of the Metropolitan Police Department in the course of a lawful search," after the phrase "When a police officer, in the course of a lawful arrest or lawful search,".

(b) Subsection (e) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "taken into possession by a police officer".

Sec. 8. Title 23 of the District of Columbia Code is amended as follows:

(a) Section 23-525 is amended by striking the phrase "An officer or agent" and inserting the phrase "A law enforcement officer or a designated civilian employee of the Metropolitan Police Department" in its place.

**Note, Section
23-525**

(b) Section 23-562(c) is amended as follows:

**Note, Section
23-562**

(1) Paragraph (1) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department receiving a person arrested by a law enforcement officer within the District of Columbia or a special policeman or other person pursuant to section 23-582," before the phrase "shall take the arrested person without unnecessary delay before the court or other judicial officer empowered to commit persons charged with the offense for which the arrest was made.".

(2) Paragraph (2) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "Before taking an arrested person to a judicial officer, a law enforcement officer".

(c) Section 23-1303(e) is amended to read as follows:

**Note, Section
23-1303**

"(e) The agency, when requested by a member or officer or designated civilian employee of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer or

ENROLLED ORIGINAL

designated civilian employee a report as provided in subsection (a) of this section."

Sec. 9. Section 5 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, approved July 15, 1932 (47 Stat. 698; D.C. Code § 24-205), is amended by striking the phrase "any officer of the Metropolitan Police Department of the District of Columbia" in the second sentence and inserting the phrase "any officer or designated civilian employee of the Metropolitan Police Department of the District of Columbia" in its place.

Note, Section 24-205

Sec. 10. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501 *et seq.*), is amended as follows:

(a) Section 302(c)(4) (D.C. Code § 33-532(c)(4)) is amended by inserting the phrase "designated civilian employee of the Metropolitan Police Department, or a" after the word "A".

Note, Section 33-532

(b) Section 402(a)(6) (D.C. Code § 33-542(a)(6)) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "who is a law-enforcement official, as designated by the Mayor,".

Note, Section 33-542

(c) Section 502 (D.C. Code § 33-552) is amended as follows:

Note, Section 33-552

(1) Subsection (b) is amended by inserting the phrase ", or designated civilian employees of the Metropolitan Police Department," after the phrase "as designated by the Mayor,".

(2) Subsection (d)(1) is amended by inserting the phrase ", or any designated civilian employees of the Metropolitan Police Department," after the phrase "which come into the custody of law-enforcement officials of the District of Columbia".

(d) Section 505(a)(2) (D.C. Code § 33-555(a)(2)) is amended by striking the phrase "or employee designated by the Mayor," and inserting the phrase ", an employee designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department," in its place.

Note, Section 33-555

Sec. 11. Section 14 of An Act To regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia, approved June 20, 1938 (52 Stat. 792; D.C. Code § 33-565), is amended as follows:

Note, Section 33-565

(a) Subsection (j) is amended by inserting the phrase "or the designated civilian employee of the Metropolitan Police Department" after the phrase "When the officer".

(b) Subsection (k) is amended by inserting the phrase "or the designated civilian employee of the Metropolitan Police Department" after the phrase "The officer".


Sec. 12. This legislation will have no fiscal impact. The Council has been informed that the Metropolitan Police Department ("MPD") intends to hire 30 civilians at grade 9, step 1 in Fiscal Year 1998 for a total cost of \$1,097,400 (\$885,000 in wages, \$168,150 in benefits, and \$44,250 in anticipated overtime). Funding for these costs are already budgeted within the

MPD's budget for FY 1998. With the 6% salary increase due in FY 1999, the projected cost of this legislation will be \$1,163,244. Funding for this cost is already budgeted within the MPD budget for FY 1999.

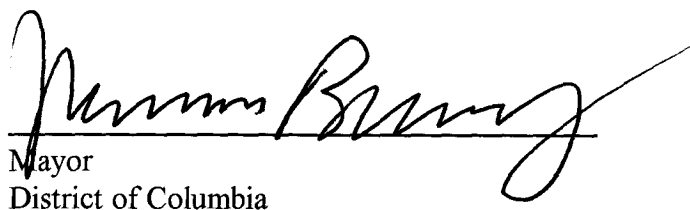
Sec. 13. Effective date.

(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), 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



Mayor
District of Columbia

APPROVED: October 13, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-709

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-7-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

THOMAS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

October 1, 1998
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

MASON

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

October 1, 1998
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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ENROLLED ORIGINAL

acting in the performance of officially authorized functions, to prevent these employees from divulging any knowledge relating to prescription records, order forms, or trade secrets that he or she comes across by virtue of his or her office, to allow these employees to seize property related to controlled substances, and to allow these employees to perform administrative and support duties without the risk of civil or criminal liability for the proper execution of said duties; and to amend An Act To regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia to require that designated civilian employees of the Metropolitan Police Department who take property under a warrant provide a copy of the warrant together with a receipt for the property taken to the person from whom it was taken, and to require that these employees return the warrant to the judge or magistrate with a written inventory of the property taken, attesting to the accuracy and completeness of the inventory.

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Note, Section
22-1630

ENROLLED ORIGINAL

charge of violating any provision of this act or any regulations made pursuant thereto, and be delivered to the Mayor."

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(a) Subsection (c) is amended by inserting the phrase "or when a designated civilian employee of the Metropolitan Police Department in the course of a lawful search," after the phrase "When a police officer, in the course of a lawful arrest or lawful search,".

(b) Subsection (e) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "taken into possession by a police officer".

Sec. 8. Title 23 of the District of Columbia Code is amended as follows:

(a) Section 23-525 is amended by striking the phrase "An officer or agent" and inserting the phrase "A law enforcement officer or a designated civilian employee of the Metropolitan Police Department" in its place.

**Note, Section
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(b) Section 23-562(c) is amended as follows:

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(2) Paragraph (2) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "Before taking an arrested person to a judicial officer, a law enforcement officer".

(c) Section 23-1303(e) is amended to read as follows:

**Note, Section
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"(e) The agency, when requested by a member or officer or designated civilian employee of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer or

ENROLLED ORIGINAL

designated civilian employee a report as provided in subsection (a) of this section."

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Sec. 10. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501 *et seq.*), is amended as follows:

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(b) Section 402(a)(6) (D.C. Code § 33-542(a)(6)) is amended by inserting the phrase "or a designated civilian employee of the Metropolitan Police Department," after the phrase "who is a law-enforcement official, as designated by the Mayor,".

Note, Section 33-542

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(2) Subsection (d)(1) is amended by inserting the phrase ", or any designated civilian employees of the Metropolitan Police Department," after the phrase "which come into the custody of law-enforcement officials of the District of Columbia".

(d) Section 505(a)(2) (D.C. Code § 33-555(a)(2)) is amended by striking the phrase "or employee designated by the Mayor," and inserting the phrase ", an employee designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department," in its place.

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Sec. 12. This legislation will have no fiscal impact. The Council has been informed that the Metropolitan Police Department ("MPD") intends to hire 30 civilians at grade 9, step 1 in Fiscal Year 1998 for a total cost of \$1,097,400 (\$885,000 in wages, \$168,150 in benefits, and \$44,250 in anticipated overtime). Funding for these costs are already budgeted within the

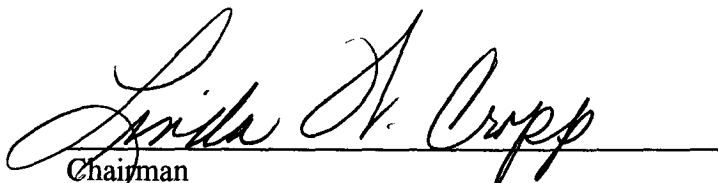
ENROLLED ORIGINAL

MPD's budget for FY 1998. With the 6% salary increase due in FY 1999, the projected cost of this legislation will be \$1,163,244. Funding for this cost is already budgeted within the MPD budget for FY 1999.

Sec. 13. 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), 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

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-709

Docket No. _____

| | ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-7-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

THOMAS

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

October 1, 1998
Date

ITEM ON CONSENT CALENDAR

ADOPTED FINAL READING, 9-22-98

ACTION & DATE

APPROVED

VOICE VOTE

RECORDED VOTE ON REQUEST

MASON

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

October 1, 1998
Date

| | ITEM ON CONSENT CALENDAR

| | ACTION & DATE

| | VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date