

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-42

"Arts and Humanities Enterprise Fund Establishment Amendment Act of 1997".

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. 12-13, on first and second readings, June 3, 1997, and June 17, 1997, respectively. Following the signature of the Mayor on July 3, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-106, and published in the October 3, 1997, edition of the D.C. Register (Vol. 44 page 5577) and transmitted to Congress on September 26, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-42 effective January 29, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Sept.	26,29,30
Oct.	1,2,3,6,7,8,9,20,21,22,23,24,27,28,29,30,31
Nov.	3,4,5,6,7,10,12,13
Jan.	27,28

AN ACT

D.C. ACT 12-106

Codification
District of
Columbia
Code
1998 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 3, 1997

To amend the Commission on the Arts and Humanities Act to establish an Arts and Humanities Enterprise Fund where monies raised by the D.C. Commission on the Arts and Humanities will be retained and expended for the administration, improvement, and maintenance of property and programs managed by the Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arts and Humanities Enterprise Fund Establishment Amendment Act of 1997".

Sec. 2. The Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Code § 31-2001 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Code § 31-2002) is amended by adding a new paragraph (7) to read as follows:

Section
31-2002

"(7) The term "Fund" means the Arts and Humanities Enterprise Fund established by section 6a."

(b) Section 5(e) (D.C. Code § 31-2004(5)) is amended to read as follows:

Section
31-2004

"(e)(1) Accept donations, gifts by devise or bequest, grants, and any other type of asset from individuals, clubs, groups, corporations, partnerships, and other governmental entities;

"(2) Manage any property or funds in accordance with the provisions or conditions of any donations, gifts, grants, or other transfers including the investment of the principal of such property and funds; and

"(3) Deposit all funds raised pursuant to this subsection in the Fund."

(c) A new section 6a is added to read as follows:

New Section
31-2005.1

"Sec. 6a. Arts and Humanities Enterprise Fund; establishment; accounting; investment.

"(a) There is established the Arts and Humanities Enterprise Fund ("Fund") to be operated by the Commission.

"(b) The monies in the Fund shall not be a part of, nor lapse into, the General Fund of the District or any other fund of the District.

"(c) By October 1st of each year, the Commission shall publish in the District of

ENROLLED ORIGINAL

Columbia Register and in a report submitted to the Council, a specific accounting of how monies in the Fund were expended and any remaining balance. The accounting shall include following:

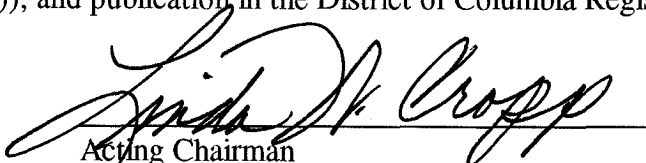
- "(1) The name of any donors or anonymous contributions;
- "(2) The amounts of each contribution;
- "(3) A description of any donated property; and
- "(4) Identification of the programs or recreation centers where the funds have

been expended.

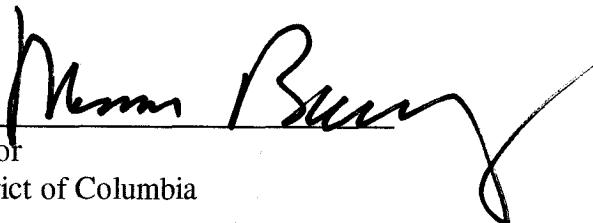
"(d) Proceeds in the Fund may be expended for the administration, improvement, and maintenance of property and programs managed by the Commission.

"(e) Proceeds in the Fund may be invested in a prudent and reasonable manner consistent with applicable District government policies and procedures."

Sec. 3. 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 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Acting Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 3, 1997



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

Docket No. B12-13

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06-03-97

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SCHWARTZ

ROLL CALL VOTE - Result

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

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angie Jones
 Secretary to the Council

June 20, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 06-17-97

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

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

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Angie Jones
 Secretary to the Council

June 20, 1997
 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
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Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date



COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

OFFICE OF THE SECRETARY

June 10, 1997

Mr. Richard D. Heideman
Senior Counsel
The Heideman Law Group, P.C.
1714 N Street, N.W.
Washington, D.C. 20036-2907

Dear Mr. Heideman:

I am in receipt of your letter regarding Bill 12-12, "Distribution of Marijuana Amendment Act of 1997."

Acting Chairman Linda W. Cropp and the Members of the Council appreciate your comments on this matter, and your correspondence will be entered into the record.

Sincerely,

A handwritten signature in black ink, appearing to read "Phyllis Jones".

Phyllis Jones
Secretary to the Council

cc: Committee on the Judiciary
Legislative Services Division

THE HEIDEMAN



LAW GROUP, P.C.

A DISTRICT OF COLUMBIA PROFESSIONAL CORPORATION

1714 N STREET, N.W., WASHINGTON, D.C. 20036-2907

TELEPHONE: (202) 462-8990 TELEFAX (202) 462-8995

RECEIVED
97 JUN -2 P2:48

29 May 1997

Committee on the Judiciary
Council Record
c/o Ms. Phyllis Jones
1350 Pennsylvania Avenue, Room 207
Washington, DC 20004

Re: Bill 12-12, the "Distribution of Marijuana Amendment Act of 1997"

To Whom it May Concern:

Please accept these written comments to be added to the official hearing record for the above referenced bill.

As a criminal defense lawyer who has practiced for twenty-five years and as Vice-Chairman of the Legislative Committee of the National Association of Criminal Defense Lawyers, I feel obligated to appear on record and express my opposition to Bill 12-12, the Distribution of Marijuana Amendment Act of 1997, which creates mandatory minimum sentences for the possession and distribution of marijuana.

Instead of helping to reduce the amount of drug related offenses committed by nonviolent offenders in the District of Columbia, this mandatory minimum sentence proposal will only increase the problems that are already present in the District's overburdened criminal justice system. In 1994, the Federal Judicial Center prepared a report titled "The Consequences of Mandatory Minimum Prison Terms: A Summary of Recent Findings." The report concluded that mandatory minimum sentences are not the most effective means of accomplishing sentencing goals, and "as instruments of public policy they do little good and much harm".

Most researchers who have studied the effects of mandatory minimum sentences have concluded that mandatory minimum sentences are harmful because they are not uniformly applied, they remove judicial discretion from neutral judges and place it with adversarial prosecutors, they have a disparate impact on minority offenders, they are unduly expensive, and they do not accomplish the goals of reducing crime or drug availability. In fact, the Department of Justice Report of December 1993, "An Analysis

of Non-Violent Drug Offenders with Minimal Criminal Histories," at page 41 concluded that mandatory minimums neither reduce recidivism nor promote rehabilitation.

I am not alone in my opposition to mandatory minimums, the judiciary and leading law enforcement officials have stated their opposition to mandatory minimums. At the National Symposium on Drugs and Violence in America, June 18, 1993, Supreme Court Chief Justice William H. Rehnquist summed up the collective opinion of many distinguished judges on the Federal bench and spoke out publicly against mandatory minimums. Justice Rehnquist opined, "I think I am in accord with most judges in the Federal System in the view that mandatory minimums are imprudent, unwise and often an unjust mechanism for sentencing. It takes away from the judge the ability to differentiate among a group of defendants involved in the same crime, according to levels of culpability and responsibility." United States Attorney General Janet Reno has also stated her reservations about this policy, concluding that they must be reserved only for truly violent criminals, rather than be applied to non-violent, low level drug defendants.

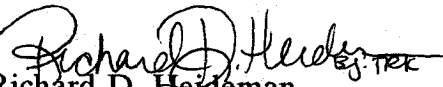
One of the arguments those in favor of mandatory minimums make is that these sentencing guidelines make our justice system more economical, however in reality this desired effect has not occurred. While it's true some defendants may plead guilty to a lesser charge to avoid the possibility of a higher mandatory minimum if convicted to a greater offense, often it is innocent defendants who are accepting this plea bargain, afraid to take their chances with the criminal justice system. On the other side, the truly guilty defendants who may have once considered pleading guilty, now are insisting on taking their chances on being acquitted by going to trial in hopes of avoiding mandatory minimums which will be imposed.

As a result of the new mandatory minimums, the District of Columbia will face an even greater crisis in its already overcrowded prison system. Violent offenders who were sentenced before mandatory minimums existed will be released on early parole to make room for the non-violent drug offenders with new mandatory minimum sentences. Instead of punishing our most dangerous offenders, we will be risking the safety of the community. Clearly, this would not be in the best interest of society or justice.

Thank you for the opportunity to express my opposition to Bill 12-12, the Distribution of Marijuana Amendment Act of 1997.

Sincerely,

THE HEIDEMAN LAW GROUP, P.C.
ATTORNEYS AND COUNSELORS

By: 
Richard D. Heideman
Senior Counsel



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

RECEIVED
27 SEP 26 PM 4:15
SPEAKER'S ROOMS
U.S. HOUSE OF REPS.

SEP 26 1997

The Honorable Newt Gingrich
Speaker of the House
U. S. House of Representatives
Room H-209
United States Capitol
Washington, D. C. 20515

Re: Transmittal of D.C ACT 12-106, "Arts and Humanities Enterprise Fund
Establishment Amendment Act of 1997".

Date of Council Action: 07-01-97


Dear Mr. Speaker:

The above named act is hereby transmitted in accordance with section 602(c) (1) the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to this act, for your information, is the report of the Council's standing committee with jurisdiction over this matter.

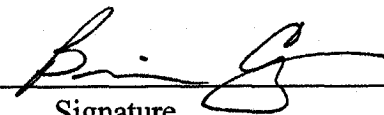
To begin the count of the 30-day review by Congress, please acknowledge receipt of this document on the copy attached.

Sincerely,


Linda W. Cropp
Chairman of the Council

Enclosure

Receipt Acknowledged:

Brian Cooper |  | 9-26-97
Name - PLEASE PRINT | Signature | Date



AN ACT

D.C. ACT 12-106

Codification
District of
Columbia
Code
1998 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 3, 1997

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31-2004

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"(3) Deposit all funds raised pursuant to this subsection in the Fund."

(c) A new section 6a is added to read as follows:

New Section
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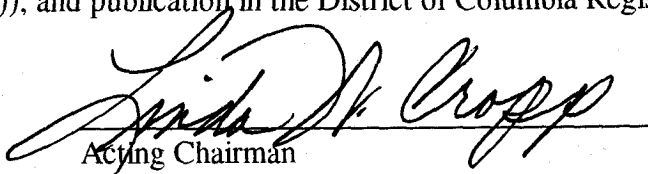
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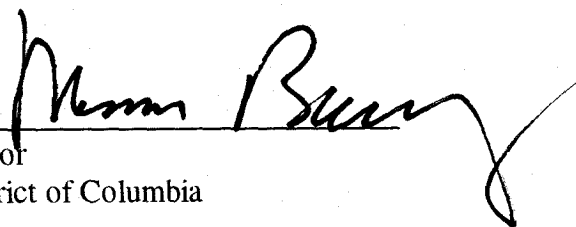
been expended.

"(d) Proceeds in the Fund may be expended for the administration, improvement, and maintenance of property and programs managed by the Commission.

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Acting Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 3, 1997



B12-13

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06-03-97

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SCHWARTZ

ROLL CALL VOTE - Result

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

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

June 20, 1997 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 06-17-97

VOICE VOTE RECORDED VOTE ON REQUEST

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ALL PRESENT

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AB-Absent

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CERTIFICATION RECORD

Secretary to the Council

June 20, 1997 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
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