

COUNCIL OF THE DISTRICT OF COLUMBIA

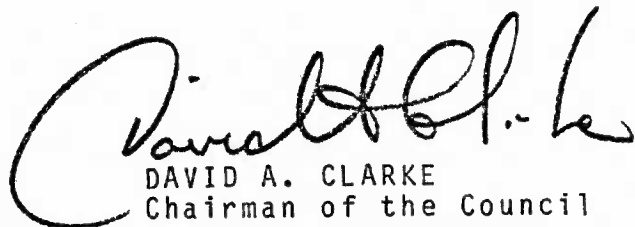
NOTICE

D.C. LAW 6-140

"Juvenile Protective Act of 1986".

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. 6-250 on first and second readings, May 27, 1986 and June 10, 1986, respectively. Following the signature of the Mayor on June 13, 1986, this legislation was assigned Act No. 6-178, published in the June 27, 1986, edition of the D.C. Register, (Vol. 33 page 3827) and transmitted to Congress on June 18, 1986 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 6-140, effective August 13, 1986.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 18,19,20,23,24,25,26,27
July 14,15,16,17,18,21,22,23,24,25,28,29,30,31
August 1,4,5,6,7,8,11,12

EFFECTIVE DATE AUG 13 1986

AN ACT

D.C. ACT 6-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 13 1986

To require a child under the age of 13 who is taken into custody to remain in the immediate physical presence of a law enforcement officer, to require the separation of a child at risk who is detained, to require the Director of Social Services and certain law enforcement officers, taking custody of children under the age of 13, to deliver these children to the Department of Human Services, unless otherwise provided by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Protective Act of 1986".

Sec. 2. Chapter 23 of title 16 of the District of Columbia Code is amended as follows:

(a) Section 16-2309 is amended:

- (1) By inserting "(a)" at the beginning; and
- (2) By adding the following new subsection at the

D.C. Code, sec. 16-2309 (1987 supp.)

end:

"(b) A child under the age of 13 who is taken into custody by a law enforcement officer, other than an officer in the U.S. Marshals Service, shall remain in the immediate physical presence of a law enforcement officer pending

release or delivery pursuant to section 16-2311(a).".

(b) Section 16-2311(b)(1) is amended to read as follows:

D.C. Code, sec.
16-2311
(1987 supp.)

"(b)(1) When a child is brought before the Director of Social Services, the Director shall in all cases review the need for detention or shelter care prior to the admission of the child to the place of detention or shelter care. The child shall be released to his parent, guardian, or custodian unless the Director of Social Services finds that detention or shelter care is required under section 16-2310. If the child is not released, the Director of Social Services shall advise the child of the right to counsel as provided in section 16-2304, and if the child is under the age of 13, shall immediately deliver the child to the custody of the Director of the Department of Human Services. Under no circumstances shall the Director of Social Services deliver a child under the age of 13 to the custody of the United States Marshals Service."

(c) The following new section is inserted after section 16-2310:

New,
D.C. Code, sec.
16-2310.1
(1987 supp.)

"Sec. 16-2310.1. Separation of young children detained prior to a hearing.

"The Director of the Department of Human Services and the Director of Social Services shall ensure that each child at risk who is detained, however briefly, pursuant to

section 16-2311(a)(2) or (b)(1) shall be physically separated at all times, except during transportation, from children or other detainees 13 years of age or older, from any child under the age of 13 who has been detained on the ground that there is probable cause to believe the child has committed a crime of violence, as defined in section 23-1331(4), or in any other manner deemed to ensure the safety of the child. Neither the Department of Human Services nor the Director of Social Services shall deliver a child under the age of 13 to the custody of the United States Marshals Service. For the purposes of this section, "child at risk" means a child under the age of 13 or any child 13 years of age or older who, because of his or her size or physical stature, is determined to be especially physically or psychologically vulnerable to attacks by other children."

(d) The table of contents for Chapter 23 is amended by inserting the following after the heading for section 16-2310:

"16-2310.1. Separation of young children detained prior to a hearing."

New,
D.C. Code, sec.
16-2310.1
(1987 supp.)

(e) The following new section is inserted after section 16-2311:

"Section 16-2311.1. Rules.

"The Mayor shall issue rules to implement the

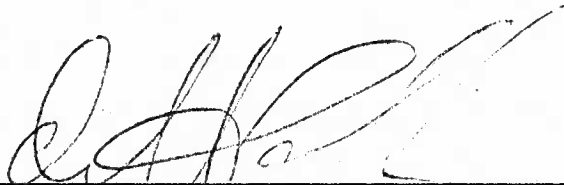
provisions of section 16-2309(b), section 16-2310.1, section 16-2311(b)(1), and section 16-2311.1 within 90 days from the effective date of these sections. These rules shall be submitted for a 30-day period of review by the Council of the District of Columbia, excluding Saturdays, Sundays, holidays, and days that pass during Council recess."

(f) The table of contents for Chapter 23 is amended by inserting the following after the heading for section 16-2311:

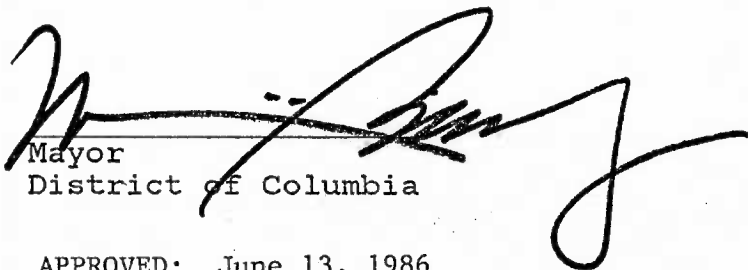
"16-1211.1. Rules."

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) 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, sec.
1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 13, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-250

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-27-86

VOICE VOTE: Unanimous

Recorded vote on request

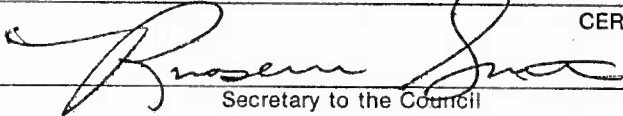
Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


 Secretary to the Council

6/13/86
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-10-86

VOICE VOTE: Unanimous

Recorded vote on request

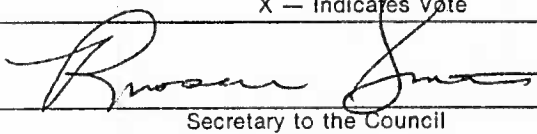
Absent: Schwartz and Ray

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


 Secretary to the Council

6/13/86
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date