COUNCIL OF THE DISTRICT OF COLUMBIA
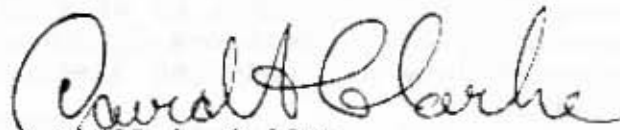
NOTICE

D.C. LAW 7-43

"Prison Overcrowding Emergency Powers Act
of 1987".

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. 7-177 on first and second readings, June 30, 1987, and July
14, 1987, respectively. Following the signature of the Mayor on
July 17, 1987, this legislation was assigned Act 7-56, published
in the August 14, 1987, edition of the D.C. Register, (Vol. 34
page 5287) and transmitted to Congress on July 21, 1987 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 7-43, effective
November 14, 1987.

DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

July   21,22,23,24,27,28,29,30,31

August   3,4,5,6,7

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

October   1,2,5,6,7,8,9,13,14,15,16,19,20,21,22,23,26,27,28,
            29,30

November   2,3,4,5,6,9,10,12,13

D.C. LAW **7-48**

EFFECTIVE DATE NOV 1 4 1987

AN ACT

D.C. ACT 7-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 1 7 1987

To authorize the Mayor of the District of Columbia to
declare a prison overcrowding state of emergency under
certain circumstances; to define the powers of the
Mayor of the District of Columbia during the state of
emergency; and to provide remedies for a prison
overcrowding state of emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Prison Overcrowding
Emergency Powers Act of 1987".

Sec. 2. Definitions.
For the purposes of this act, the term:
(1) "Department" means the Department of
Corrections established by section 1 of An Act To create a
Department of Corrections in the District of Columbia,
approved June 27, 1946 (60 Stat. 320; D.C. Code, sec.
24-441).
(2) "District" means the District of Columbia.
(3) "Mayor" means the Mayor of the District of
Columbia.
(4) "Prison" means a correctional facility
operated by the Department and includes facilities
contracted by the Department.
(5) "Prison system" means the prisons of the
District.
(6) "Rated design capacity" means the actual
available bedspace certified by the Department in the prison
system subject to applicable federal and District laws and
rules.

Sec. 3. Declaration of state of emergency; reduction
of minimum and maximum sentences.
(a) The Department shall request the Mayor to declare
a state of emergency in the prisons whenever the population
of the prison system exceeds the rated design capacity for

30 consecutive days. In making the request, the Department shall certify the rated design capacity and current population of the prison system and that all administrative actions consistent with applicable District laws and rules have been exhausted in an attempt to reduce the prison population to the rated design capacity.

(b) Except as provided in subsections (d), (e), and (f) of this section, unless the the Mayor finds within 15 days of the Department's request that the Department acted in error, the Mayor shall declare a state of emergency in the prison system within that 15-day period, shall reduce by 90 days the minimum sentences of all prisoners who have established minimum prison terms, and shall reduce by 90 days or 10%, whichever is less, the maximum sentences of all eligible prisoners.

(c) If the actions taken pursuant to subsection (b) of this section do not reduce the population of the prison system to 95% of the rated design capacity within 90 days of the date of the declaration of the state of emergency in the prison system, the Mayor shall again reduce by 90 days the minimum sentences of all prisoners who have established minimum prison terms and shall reduce by 90 days or 10%, whichever is less, the maximum sentence of all eligible prisoners.

(d) No prisoner shall receive more than 2 reductions in maximum sentence under a single declaration of a state of emergency in the prison system.

(e) The Mayor shall not reduce the minimum sentence of any person whose remaining minimum sentence is greater than 180 days. The Mayor shall not reduce the maximum sentence of any person whose remaining maximum sentence is greater than 180 days.

(f) The Mayor shall not reduce the sentence of any prisoner who is:

(1) Serving a sentence of life imprisonment;

(2) Serving a sentence for committing a violent felony, including a sentence for homicide, rape, assault with intent to rob, a sex offense other than rape, extortion, kidnapping, assault with a dangerous weapon, or armed robbery; or

(3) Serving a mandatory minimum sentence pursuant to the provisions of the District of Columbia Mandatory-Minimum Sentences Initiative of 1981, effective March 9, 1983 (D.C. Law 4-166; D.C. Code, sec. 22-3202 et seq.).

Sec. 4. Termination of state of emergency.

(a) If at any time during the state of emergency in the prison system, the population of the prison system is reduced to 95% of the rated design capacity, the Department

New, D.C. Code.
sec. 24-903
(1988 supp.)

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shall certify that fact to the Mayor and request the Mayor to terminate the state of emergency.

(b) Unless the Mayor finds within 15 days of the Department's request that the Department has acted in error in requesting the termination of the state of emergency in the prison system, the Mayor shall declare the state of emergency in the prison system ended within that 15-day period.

Sec. 5. New housing or facilities; rated design capacity.

New, D.C. Code, sec. 24-904 (1988 supp.)

(a) After the effective date of this act, all new housing or facilities purchased, leased, constructed, or converted by the Department for use as a prison, except as provided in subsection (b) of this section, shall have only single occupancy rooms or cells and shall comply with all applicable federal and District laws and rules.

(b) Multiple occupancy or dormitory-style housing or facilities may be used in minimum security conditions only; provided that the housing or facilities meet all applicable American Correctional Association standards related to multiple occupancy housing.

(c) After July 1, 1987, rated design capacity shall not include trailers, modular units, or bedspace not designed for prison housing.

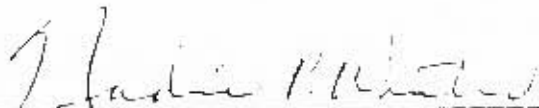Sec. 6. Exception.

New, D.C. Code sec. 24-905 (1988 supp.)

The provisions of this act shall not apply whenever the prison population exceeds rated design capacity as the direct result of loss of bedspace due to natural disaster or deliberate destruction of property.
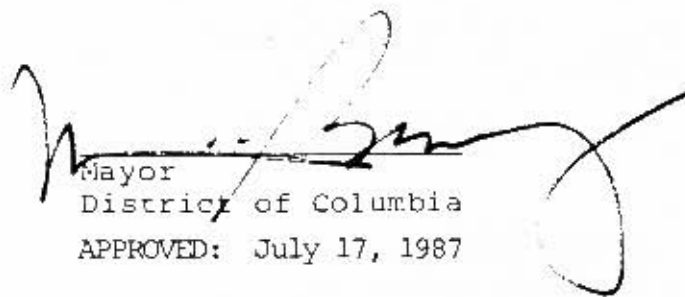
Sec. 7. Effective date.

This act shall take effect after a 60-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)(2) of the District of Columbia Self-Government and Governmental Reorganization Act,

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approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(2)).

_____
Chairman, by the Chairman Pro Tempore
Council of the District of Columbia

_____
Mayor
District of Columbia
APPROVED: July 17, 1987

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO __B7-177__

☐ Item on Consent Calendar

☒ ACTION & DATE: ___Adopted First Reading, 6-30-87___

☒ VOICE VOTE: **By Majority,** Members Schwartz, Kane, Winter, Wilson
and Jarvis voted no

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					NATHANSON					THOMAS SR				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR									

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

CERTIFICATION RECORD

Russell L. Smith ℟
Secretary to the Council

15 July 1987
Date

☐ Item on Consent Calendar

☒ ACTION & DATE: __Adopted Final Reading, 7-14-87__

☒ VOICE VOTE: __By Majority, Member Schwartz voted no__

Recorded vote on request

Absent: __Kane, Smith and Clarke__

☐ 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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Russell L. Smith ℟
Secretary to the Council

15 July 1987
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					NATHANSON					THOMAS. SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

_____
Secretary to the Council

_____
Date

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