

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on a temporary basis, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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53 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
54 act may be cited as the “Comprehensive Policing and Justice Reform Second Temporary
55 Amendment Act of 2020”.

56 **TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY**
57 **SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS**

58 Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,
59 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

60 (a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

61 “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement
62 and special police officer use of neck restraints constitutes the use of lethal and excessive force.
63 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police
64 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd
65 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in
66 cities and states across the world, including in the District, have taken to the streets to peacefully
67 protest injustice, racism, and police brutality against people of color. Police brutality is abhorrent

68 and does not reflect the District’s values. It is the intent of the Council in the enactment of this act
69 to unequivocally ban the use of neck restraints by local law enforcement and special police
70 officers.”.

71 (b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

72 (1) Paragraph (1) is repealed.

73 (2) Paragraph (2) is repealed.

74 (3) A new paragraph (3) is added to read as follows:

75 “(3) “Neck restraint” means the use of any body part or object to attempt to control
76 or disable a person by applying pressure against the person’s neck, including the trachea or carotid
77 artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or
78 restricting their blood flow or breathing.”.

79 (c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

80 “Sec. 4. Unlawful use of neck restraints by law enforcement officers and special police
81 officers.

82 “(a) It shall be unlawful for:

83 “(1) Any law enforcement officer or special police officer (“officer”) to apply a
84 neck restraint; and

85 “(2) Any officer who applies a neck restraint and any officer who is able to observe
86 the application of a neck restraint to fail to:

87 “(A) Immediately render, or cause to be rendered, first aid on the person on
88 whom the neck restraint was applied; or

89 “(B) Immediately request emergency medical services for the person on
90 whom the neck restraint was applied.

91 “(b) Any officer who violates the provisions of subsection (a) of this section shall be fined
92 no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment
93 Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
94 incarcerated for no more than 10 years, or both.”

95 Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999,
96 effective May 9 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the
97 phrase “trachea and carotid artery holds” and inserting the phrase “neck restraints” in its place.

98 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
99 RECORDINGS

100 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements
101 Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is
102 amended as follows:

103 (a) Subsection (a)(3) is amended by striking the phrase “interactions;” and inserting the
104 phrase “interactions, and the results of those internal investigations, including any discipline
105 imposed;” in its place.

106 (b) New subsections (c) and (d) are added to read as follows:

107 “(c) Notwithstanding any other law:

108 “(1) Within 72 hours after a request from the Chairperson of the Council Committee
109 with jurisdiction over the Metropolitan Police Department, the Metropolitan Police Department
110 shall provide unredacted copies of the requested body-worn camera recordings to the Chairperson.
111 Body-worn camera recordings in the possession of the Council shall not be publicly disclosed;

112 “(2) The Mayor:

113 “(A) Shall:

114 “(i) Within 72 hours after an officer-involved death or the serious
115 use of force, publicly release the names and body-worn camera recordings of all officers who
116 committed the officer-involved death or serious use of force; and

117 “(ii) By July 1, 2020, publicly release the names and body-worn
118 camera recordings of all officers who have committed an officer-involved death since the Body-
119 Worn Camera Program was launched on October 1, 2014; and

120 “(B)(i) May, on a case-by-case basis in matters of significant public interest
121 and after consultation with the Chief of Police, the United States Attorney's Office for the District
122 of Columbia, and the Office of the Attorney General, publicly release any other body-worn camera
123 recordings that may not otherwise be releasable pursuant to a FOIA request.

124 “(ii) For the purposes of this subparagraph, the term “FOIA” means
125 Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C.
126 Law 1-96; D.C. Official Code § 2-531 *et seq.*).

127 “(d) Before publicly releasing a body-worn camera recording pursuant to subsection
128 (c)(2)(A)(ii) of this section, the Metropolitan Police Department shall:

129 “(1) Consult with an organization with expertise in trauma and grief on best
130 practices for creating an opportunity for the decedent’s next of kin to view the body-worn camera
131 recording in advance of its release;

132 “(2) Notify the decedent’s next of kin of its impending release, including the date
133 when it will be released; and

134 “(3) Offer the decedent’s next of kin the opportunity to view the body-worn camera
135 recording privately in a non-law enforcement setting in advance of its release, and if the next of
136 kin wish to so view the body-worn camera recording, facilitate its viewing.”.

137 Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is
138 amended as follows:

139 (a) Section 3900 is amended as follows:

140 (1) Subsection 3900.9 is amended to read as follows:

141 “3900.9. Members may not review their BWC recordings or BWC recordings that have
142 been shared with them to assist in initial report writing.”.

143 (2) Subsection 3900.10 is amended to read as follows:

144 “3900.10 Notwithstanding any other law, the Mayor:

145 “(a) Shall:

146 “(1) Within 72 hours after an officer-involved death or the serious use of
147 force, publicly release the names and BWC recordings of all officers who committed the officer-
148 involved death or serious use of force; and

149 “(2) By July 1, 2020, publicly release the names and BWC recordings of all
150 officers who have committed an officer-involved death since the BWC Program was created; and

151 “(b) May, on a case-by-case basis in matters of significant public interest and after
152 consultation with the Chief of Police, the United States Attorney's Office for the District of
153 Columbia, and the Office of the Attorney General, publicly release any other BWC recordings that
154 may not otherwise be releasable pursuant to a FOIA request.

155 “(c) Before publicly releasing a body-worn camera recording pursuant to paragraph
156 (a)(2) of this subsection, the Metropolitan Police Department shall:

157 “(1) Consult with an organization with expertise in trauma and grief on best
158 practices for creating an opportunity for the decedent’s next of kin to view the body-worn camera
159 recording in advance of its release;

160 “(2) Notify the decedent’s next of kin of its impending release, including
161 the date when it will be released; and

162 “(3) Offer the decedent’s next of kin the opportunity to view the body-worn
163 camera recording privately in a non-law enforcement setting in advance of its release, and if the
164 next of kin wish to so view the body-worn camera recording, facilitate its viewing.”.

165 (b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

166 “(a-1) Recordings related to a request from or investigation by the Chairperson of
167 the Council Committee with jurisdiction over the Metropolitan Police Department;”.

168 (c) Section 3902.4 is amended to read as follows:

169 “3902.4. Notwithstanding any other law, within 72 hours after a request from the
170 Chairperson of the Council Committee with jurisdiction over the Metropolitan Police Department,
171 the Department shall provide unredacted copies of the requested BWC recordings to the
172 Chairperson. BWC recordings in the possession of the Council shall not be publicly disclosed.”.

173 (d) Section 3999.1 is amended by inserting a definition between the definitions of
174 “metadata” and “subject” to read as follows:

175 “Serious use of force” shall have the same meaning as that term is defined in MPD General
176 Order 901.07, or its successor directive.”.

177 **SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS**

178 Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective
179 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

180 (a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase “There
181 is established a Police Complaints Board (“Board”). The Board shall be composed of 5 members,
182 one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with

183 any law enforcement agency.” and inserting the phrase “There is established a Police Complaints
184 Board (“Board”). The Board shall be composed of 9 members, which shall include one member
185 from each Ward and one at-large member, none of whom, after the expiration of the term of the
186 currently serving member of the MPD, shall be affiliated with any law enforcement agency.”.

187 (b) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

188 (1) A new subsection (g-1) is added to read as follows:

189 “(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers
190 that was not alleged by the complainant in the complaint, the Executive Director may:

191 “(A) Initiate the Executive Director’s own complaint against the subject
192 police officer; and

193 “(B) Take any of the actions described in subsection (g)(2) through (6) of
194 this section.

195 “(2) The authority granted pursuant to paragraph (1) of this subsection shall include
196 circumstances in which the subject police officer failed to:

197 “(A) Intervene in or subsequently report any use of force incident in which
198 the subject police officer observed another law enforcement officer, including an MPD officer,
199 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
200 901.07, its successor directive, or a similar local or federal directive; or

201 “(B) Immediately report to their supervisor any violations of the rules and
202 regulations of the MPD committed by any other MPD officer, and each instance of their use of
203 force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26,
204 or any successor directive.”.

205 (2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting
206 the phrase “subsection (g) or (g-1)” in its place.

207 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

208 Sec. 106. Use of Force Review Board; membership.

209 (a) There is established a Use of Force Review Board (“Board”), which shall review uses
210 of force as set forth by the Metropolitan Police Department in its written directives.

211 (b) The Board shall consist of the following 13 voting members, and may also include non-
212 voting members at the Mayor’s discretion:

213 (1) An Assistant Chief selected by the Chief of Police, who shall serve as the
214 Chairperson of the Board;

215 (2) The Commanding Official, Special Operations Division, Homeland Security
216 Bureau;

217 (3) The Commanding Official, Criminal Investigations Division, Investigative
218 Services Bureau;

219 (4) The Commanding Official, Metropolitan Police Academy;

220 (5) A Commander or Inspector assigned to the Patrol Services Bureau;

221 (6) The Commanding Official, Recruiting Division;

222 (7) The Commanding Official, Court Liaison Division;

223 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the
224 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
225 523.01(e)), with the following qualifications and no current or prior affiliation with law
226 enforcement:

227 (A) One member who has personally experienced the use of force by a law
228 enforcement officer;

229 (B) One member of the District of Columbia Bar in good standing; and

230 (C) One District resident community member;

231 (9) Two civilian members appointed by the Council with the following
232 qualifications and no current or prior affiliation with law enforcement:

233 (A) One member with subject matter expertise in criminal justice policy;

234 and

235 (B) One member with subject matter expertise in law enforcement oversight

236 and the use of force; and

237 (10) The Executive Director of the Office of Police Complaints.

238 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law
239 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

240 (a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in
241 its place.

242 (b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in its
243 place.

244 (c) A new paragraph (40) is added to read as follows:

245 “(40) Use of Force Review Board, established by section 106 of the Comprehensive
246 Policing and Justice Reform Emergency Amendment Act of 2020, passed on emergency basis on
247 June 9, 2020 (Enrolled version of Bill 23-774).”.

248 SUBTITLE E. ANTI-MASK LAW REPEAL

249 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal
250 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et*
251 *seq.*), is amended as follows:

252 (a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

253 (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase
254 “or section 4 shall be” and inserting the phrase “shall be” in its place.

255 Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by
256 striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase
257 “sections 22-3112.1 and 22-3112.2” in its place.

258 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

259 Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code
260 is amended by adding a new section 23-526 to read as follows:

261 “§ 23–526. Limitations on consent searches.

262 “(a) In cases where a search is based solely on the subject’s consent to that search, and is
263 not executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant
264 requirement, sworn members of District Government law enforcement agencies shall:

265 “(1) Prior to the search of a person, vehicle, home, or property:

266 “(A) Explain, using plain and simple language delivered in a calm
267 demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently
268 consent to a search;

269 “(B) Advise the subject that:

270 “(i) A search will not be conducted if the subject refuses to provide
271 consent to the search; and

272 “(ii) The subject has a legal right to decline to consent to the search;
273 “(C) Obtain consent to search without threats or promises of any kind being
274 made to the subject;
275 “(D) Confirm that the subject understands the information communicated
276 by the officer; and
277 “(E) Use interpretation services when seeking consent to conduct a search
278 of a person:
279 “(i) Who cannot adequately understand or express themselves in
280 spoken or written English; or
281 “(ii) Who is deaf or hard of hearing.
282 “(2) If the sworn member is unable to obtain consent from the subject, refrain from
283 conducting the search.
284 “(b) The requirements of subsection (a) of this section shall not apply to searches executed
285 pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.
286 “(c)(1) If a defendant moves to suppress any evidence obtained in the course of the search
287 for an offense prosecuted in the Superior Court of the District of Columbia, the court shall consider
288 an officer’s failure to comply with the requirements of this section as a factor in determining the
289 voluntariness of the consent.
290 “(2) There shall be a presumption that a search was nonconsensual if the evidence
291 of consent, including the warnings required in subsection (a), is not captured on body-worn camera
292 or provided in writing.
293 “(d) Nothing in this section shall be construed to create a private right of action.”.

294 SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
295 RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

296 Sec. 111. The Metropolitan Police Department Application, Appointment, and Training
297 Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-
298 107.01 *et seq.*), is amended as follows:

299 (a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

300 (1) Paragraph (2) is amended by striking the phrase “biased-based policing” and
301 inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

302 (2) Paragraph (3) is amended to read as follows:

303 “(3) Limiting the use of force and employing de-escalation tactics;”.

304 (3) Paragraph (4) is amended to read as follows:

305 “(4) The prohibition on the use of neck restraints;”.

306 (4) Paragraph (5) is amended by striking the phrase “; and” and inserting a
307 semicolon in its place.

308 (5) Paragraph (6) is amended by striking the period and inserting a semicolon in its
309 place.

310 (6) New paragraphs (7) and (8) are added to read as follows:

311 “(7) Obtaining voluntary, knowing, and intelligent consent from the subject of a
312 search, when that search is based solely on the subject’s consent; and

313 “(8) The duty of a sworn officer to report, and the method for reporting, suspected
314 misconduct or excessive use of force by a law enforcement official that a sworn member observes
315 or that comes to the sworn member’s attention, as well as any governing District laws and
316 regulations and Department written directives.”.

317 (b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

318 (1) Subsection (a) is amended by striking the phrase “the District of Columbia
319 Police” and inserting the phrase “the Police” in its place.

320 (2) Subsection (b) is amended as follows:

321 (A) The lead-in language is amended by striking the phrase “11 persons”
322 and inserting the phrase “15 persons” in its place.

323 (B) A new paragraph (2A) is added to read as follows:

324 “(2A) Executive Director of the Office of Police Complaints or the Executive
325 Director’s designee;”.

326 (C) Paragraph (3) is amended to read as follows:

327 “(3) The Attorney General for the District of Columbia or the Attorney General’s
328 designee;”.

329 (D) Paragraph (8) is amended by striking the period and inserting the phrase
330 “; and” in its place.

331 (E) Paragraph (9) is amended to read as follows:

332 “(9) Five community representatives appointed by the Mayor, one each with
333 expertise in the following areas:

334 “(A) Oversight of law enforcement;

335 “(B) Juvenile justice reform;

336 “(C) Criminal defense;

337 “(D) Gender-based violence or LGBTQ social services, policy, or
338 advocacy; and

339 “(E) Violence prevention or intervention.”.

340 (3) Subsection (i) is amended by striking the phrase “promptly after the
341 appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in
342 its place.

343 (c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended by adding a new
344 paragraph (9A) to read as follows:

345 “(9A) If the applicant has prior service with another law enforcement or public
346 safety agency in the District or another jurisdiction, information on any alleged or sustained
347 misconduct or discipline imposed by that law enforcement or public safety agency;”.

348 SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST
349 AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

350 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,
351 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

352 (a) Designate the existing text as subsection (a).

353 (b) Add a new subsection (b) to read as follows:

354 “(b) During a First Amendment assembly, the uniforms and helmets of officers policing
355 the assembly shall prominently identify the officers’ affiliation with local law enforcement.”.

356 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

357 Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as
358 follows:

359 (a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in
360 its place.

361 (b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “;
362 or” in its place.

363 (c) A new subparagraph (C) is added to read as follows:

364 “(C)(i) The defendant is charged with an offense under:

365 “(I) Section 806(a)(1) of An Act To establish a code of law
366 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
367 404(a)(1));

368 “(II) Section 432a of the Revised Statutes of the District of
369 Columbia (D.C. Official Code § 22–405.01); or

370 “(III) Section 2 of An Act To confer concurrent jurisdiction
371 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
372 193; D.C. Official Code § 22–407); and

373 “(ii) The person who is alleged to have been the victim of the offense
374 is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of
375 the District of Columbia (D.C. Official Code § 22-405(a)); and”.

376 **SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME**

377 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
378 Code § 5-115.03), is repealed.

379 **SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS**

380 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
381 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
382 subsection (f) to read as follows:

383 “(f) A person shall be ineligible for appointment as a sworn member of the Metropolitan
384 Police Department if he or she was previously terminated or forced to resign for disciplinary
385 reasons from any commissioned or recruit or probationary position with a law enforcement agency,

386 or previously resigned from a law enforcement agency to avoid potential, proposed, or pending
387 adverse disciplinary action or termination.”.

388 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
389 AGREEMENTS

390 Sec. 116. Section 1708 of the District of Columbia Government Comprehensive Merit
391 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.08),
392 is amended by adding a new subsection (c) to read as follows:

393 “(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall
394 be retained by management and not be negotiable.

395 “(2) This subsection shall be applicable to any collective bargaining agreements
396 entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee
397 after September 20, 2020.”.

398 SUBTITLE M. OFFICER DISCIPLINE REFORMS

399 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
400 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended
401 as follows:

402 (a) Subsection (a-1) is amended as follows:

403 (1) Paragraph (1) is amended by striking the phrase “subsection (b) of this section”
404 and inserting the phrase “paragraph (1A) of this subsection and subsection (b) of this section” in
405 its place.

406 (2) A new paragraph (1A) is added to read as follows:

407 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
408 of force or indicates potential criminal conduct by a sworn member or civilian employee of the

409 Metropolitan Police Department, the period for commencing a corrective or adverse action under
410 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the
411 date that the Metropolitan Police Department had notice of the act or occurrence allegedly
412 constituting cause.”.

413 (3) Paragraph (2) is amended by striking the phrase “paragraph (1)” and inserting
414 the phrase “paragraphs (1) and (1A)” in its place.

415 (b) Subsection (b) is amended by striking the phrase “the 90-day period” and inserting the
416 phrase “the 90-day or 180-day period, as applicable,” in its place.

417 Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal
418 Regulations is repealed.

419 SUBTITLE N. USE OF FORCE REFORMS

420 Sec. 119. Use of force.

421 (a) For the purposes of this section, the term:

422 (1) “Deadly force” means any force likely or to intended to create a substantial risk
423 of serious bodily injury or death.

424 (2) “Deadly weapon” means any object, other than a body part or stationary object,
425 that in the manner of its actual, attempted, or threatened use is likely to cause death or serious
426 bodily injury.

427 (3) “Non-deadly force” means any use of force that is not likely or intended to
428 create a substantial risk of serious bodily injury or death.

429 (4) “Serious bodily injury” means physical pain, physical injury, illness, or any
430 impairment of physical condition that involves:

431 (A) A substantial risk of death;

- 432 (B) Protracted and obvious disfigurement;
- 433 (C) Protracted loss or impairment of the function of a bodily member or
- 434 organ; or
- 435 (D) Protracted loss of consciousness.

436 (b)(1) A law enforcement officer shall not use non-deadly force against a person unless:

- 437 (A) There is probable cause to believe that the person committed a crime;
- 438 (B) The force is used to prevent:
 - 439 (i) A person's escape from lawful custody; or
 - 440 (ii) The commission of a crime; and
- 441 (C) The law enforcement officer uses no more force than what is reasonably

442 necessary to effectuate the arrest or obtain a person's compliance with lawful orders.

443 (2) A law enforcement officer shall not use deadly force against a person unless:

- 444 (A) The law enforcement officer actually believes that deadly force is
- 445 immediately necessary to protect the law enforcement officer or another person from the threat of
- 446 serious bodily injury or death;
- 447 (B) The law enforcement officer's belief and actions are reasonable given
- 448 the totality of the circumstances; and
- 449 (C) All other options have been exhausted or do not reasonably lend
- 450 themselves to the circumstances.

451 (c) When a trier of fact is asked to determine the reasonableness of a law enforcement

452 officer's belief or actions, it shall reach its determination from the perspective of a reasonable law

453 enforcement officer and shall consider, as part of the totality of the circumstances:

- 454 (1) Whether the injured or deceased person:

455 (A) Possessed or appeared to possess a deadly weapon or object that could
456 be used as a deadly weapon; and

457 (B) Refused to comply with the law enforcement officer’s lawful order to
458 forfeit an object believed to be a deadly weapon prior to the law enforcement officer using deadly
459 force;

460 (2) Whether the law enforcement officer engaged in de-escalation measures prior
461 to the use of non-deadly force or deadly force, including taking cover, waiting for back-up, trying
462 to calm the injured or deceased person, and, if applicable, using non-deadly force prior to the use
463 of deadly force; and

464 (3) Whether any conduct by the law enforcement officer prior to the use of non-
465 deadly force or deadly force increased the risk of a confrontation resulting in non-deadly force or
466 deadly force being used.

467 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
468 WEAPONRY

469 Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

470 (a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the
471 following property through any program operated by the federal government:

- 472 (1) Ammunition of .50 caliber or higher;
- 473 (2) Armed or armored aircraft or vehicles;
- 474 (3) Bayonets;
- 475 (4) Explosives or pyrotechnics, including grenades;
- 476 (5) Firearm mufflers or silencers;
- 477 (6) Firearms of .50 caliber or higher;

478 (7) Firearms, firearm accessories, or other objects designed or capable of launching
479 explosives or pyrotechnics, including grenade launchers; and

480 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

481 (b)(1) If a District law enforcement agency requests property through a program operated
482 by the federal government, the District law enforcement agency shall publish notice of the request
483 on a publicly accessible website within 14 days after the date of the request.

484 (2) If a District law enforcement agency acquires property through a program
485 operated by the federal government, the District law enforcement agency shall publish notice of
486 the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

487 (c) District law enforcement agencies shall disgorge any property described in subsection
488 (a) of this section that the agencies currently possess within 180 days after the effective date of
489 this act.

490 SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED
491 CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

492 Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.
493 Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

494 (a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

495 (1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

496 (2) A new paragraph (1) is added to read as follows:

497 “(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce
498 sensory irritation or disabling physical effects in humans, which disappear within a short time
499 following termination of exposure, or any substance prohibited by the Convention on the

500 Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on
501 their Destruction, effective April 29, 1997.”.

502 (3) A new paragraph (3) is added to read as follows:

503 “(3) “Less-lethal projectiles” means any munition that may cause bodily injury or
504 death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal
505 projectiles” includes rubber or foam-covered bullets and stun grenades.”.

506 (b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

507 “Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

508 “(a)(1) No officers in riot gear may be deployed in response to a First Amendment
509 assembly unless there is an immediate risk to officers of significant bodily injury. Any deployment
510 of officers in riot gear shall be consistent with the District policy on First Amendment assemblies
511 and may not be used as a tactic to disperse a First Amendment assembly.

512 “(2) Following any deployment of officers in riot gear in response to a First
513 Amendment assembly, the commander at the scene shall make a written report to the Chief of
514 Police within 48 hours, and that report shall be available to the public.

515 “(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment
516 assembly.

517 “(2) The Mayor shall request that any federal law enforcement agency operating in
518 the District of Columbia refrain from the use of chemical irritants to disperse a First Amendment
519 assembly.

520 “(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment
521 assembly.

522 “(2) The Mayor shall request that any federal law enforcement agency operating in
523 the District of Columbia refrain from the use of less-lethal projectiles to disperse a First
524 Amendment assembly.”.

525 SUBTITLE Q. POLICE REFORM COMMISSION

526 Sec. 122. Police reform commission.

527 (a) There is established a Police Reform Commission (“Commission”). The Commission
528 shall examine and set forth recommendations on reforming and restructuring public safety and law
529 enforcement in the District.

530 (b)(1) The Commission shall be comprised of 20 representatives from among the following
531 entities:

- 532 (A) Non-law enforcement government agencies;
- 533 (B) Black Lives Matter DC;
- 534 (C) Nonprofit organizations;
- 535 (D) Businesses;
- 536 (E) Educational institutions;
- 537 (F) Victim services organizations;
- 538 (G) Social services organizations;
- 539 (H) Religious organizations;
- 540 (I) Mental and behavioral health organizations;
- 541 (J) Criminal justice reform organizations; and
- 542 (K) Advisory Neighborhood Commissions.

543 (2) The 20 representatives shall be appointed by the Chairman of the Council no
544 later than July 15, 2020.

545 (3) The Chairman of the Council shall designate a Chair of the Commission from
546 the non-government sector.

547 (c) The Commission shall submit its recommendations on policies and systemic
548 improvements in a report to the Mayor and the Council by December 31, 2020. The report shall
549 include an analysis of the provisions of this act.

550 (d) This section shall expire upon the delivery of the Commission's report or on December
551 31, 2020, whichever occurs later.

552 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

553 SUBTITLE A. RESTORE THE VOTE

554 Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69
555 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

556 (a) Section 2(2)(D) (D.C. Official Code § 1-1001.02(2)(D)) is amended by striking the
557 phrase "the District; and" and inserting the phrase "the District; except, that this subparagraph shall
558 not apply to any person currently in the care of the Department of Corrections; and" in its place.

559 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new paragraph
560 (9B) to read as follows:

561 "(9B) For the November 3, 2020, General Election, and in advance of any
562 applicable voter registration or absentee ballot request or submission deadlines, provide the
563 following to every eligible individual in the Department of Corrections' care:

564 "(A) A voter registration form;

565 "(B) A voter guide; and

566 "(C) Without first requiring an absentee ballot application to be submitted,
567 an absentee ballot."

568 Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of
569 Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is
570 amended by adding a new subsection (b-1) to read as follows:

571 “(b-1) Within 10 business days after the effective date of the Comprehensive Policing and
572 Justice Reform Emergency Amendment Act of 2020, passed on emergency basis on June 9, 2020
573 (Enrolled version of Bill 23-774) (“Act”), the Department shall notify eligible individuals in its
574 care of their voting rights pursuant to section 201 of the Act.”.

575 SUBTITLE B. DEPARTMENT OF CORRECTIONS HOME CONFINEMENT
576 EVALUATION REQUIREMENT

577 Sec. 203. Section 2(b) of An Act To create a Department of Corrections in the District of
578 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is amended
579 as follows:

580 (a) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its
581 place.

582 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its
583 place.

584 (c) A new paragraph (10) is added to read as follows:

585 “(10) On a weekly basis, identify and evaluate individuals in the Department’s care
586 for the purpose of recommending to the Bureau of Prisons their transition to home confinement
587 pursuant to 18 U.S.C. § 3624(c)(2) and applicable guidance, and provide the names of the
588 individuals identified and evaluated, and the outcomes of the evaluations and any transitions, to
589 the Council Committee with jurisdiction over the Department of Corrections.”.

590 TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

591 Sec. 301. Applicability

592 Section 110 shall apply as of August 1, 2020.

593 Sec. 302. Fiscal impact statement.

594 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
595 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
596 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

597 Sec. 303. Effective date.

598 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
599 the Mayor, action by the Council to override the veto), a 60-day period of congressional review as
600 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
601 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
602 Columbia Register.

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