

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen *CA*
RE: Request to Agendize Measures for the September 20, 2020 Additional Legislative Meeting
DATE: September 17, 2020

I am requesting that you agendize the following measures for the September 20, 2020 Additional Legislative Meeting:

Sense of the Council Resolution

I am requesting that you agendize the following measure, currently retained by the Council. I will also be circulating an Amendment in the Nature of a Substitute to the measure next Monday.

- [PR23-0194](#), the “Sense of the Council in Opposition to the Prosecution of Local Gun Offenses in Federal Court Resolution of 2019”

This resolution declares the sense of the Council in opposition to the United States Attorney for the District of Columbia’s prosecution of the offense of felon-in-possession pursuant to federal law in the United States District Court for the District of Columbia, rather than pursuant to the District of Columbia Official Code in the Superior Court of the District of Columbia.

Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us with any questions.

Ceremonial Resolution

- “Domestic Violence Awareness Month Recognition Resolution of 2020”

This ceremonial resolution declares the month of October 2020 as “Domestic Violence Awareness Month” in the District of Columbia.

Congressional Review Emergency Legislation

- “Comprehensive Policing and Justice Reform Congressional Review Emergency Declaration Resolution of 2020”
- “Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020”

On July 7, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148) (“emergency act”), which will expire on October 19, 2020. On July 21, 2020, the Council

passed the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, enacted on August 12, 2020 (D.C. Act 23-399; 67 DCR 9920) (“temporary act”), which is pending congressional review and for which no projected law date is currently available. This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act. It is substantively identical to the temporary act.

Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us with any questions.

Emergency Legislation

- “Election Worker Residency Requirement Waiver Emergency Declaration Resolution of 2020”
- “Election Worker Residency Requirement Waiver Emergency Amendment Act of 2020”
- “Election Worker Residency Requirement Waiver Temporary Amendment Act of 2020”

For the November 3, 2020 General Election, the Board of Elections has estimated a need for approximately 3,000 election workers. Due to the public health crisis, the Board has struggled to recruit election workers at the same rate as in prior elections. Election workers historically have tended to be older residents – a demographic that is particularly vulnerable to COVID-19. As a result, many workers who have served in the past have been unwilling or unable to serve under the present conditions.

Under current law, election workers must be qualified registered electors, meaning they must be District residents who are registered to vote. The Executive has offered to deploy District government employees to the Board to support the administration of the election. However, some of these employees may not currently reside or be registered to vote in the District, making them ineligible to serve as election workers. This emergency legislation allows the Board to utilize District government employees deployed by the Executive as election workers, regardless of their residency or voter registration status. This emergency legislation is necessary to assist the Board to meet critical staffing needs and ensure the efficient administration of the election.

Please contact Sonia Weil, Senior Legislative Counsel, at sweil@dccouncil.us with any questions.

- “Sanctuary Values Emergency Declaration Resolution of 2020”
- “Sanctuary Values Emergency Amendment Act of 2020”
- “Sanctuary Values Temporary Amendment Act of 2020”

On October 8, 2019, the Council passed the Sanctuary Values Emergency Amendment Act of 2019, effective October 23, 2019 (D.C. Act 23-131; 66 DCR 14298), which expired on January 21, 2020. This emergency legislation limits the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order. On October 22, 2019, the Council passed the Sanctuary Values Temporary Amendment Act of 2019, effective February 27, 2020 (D.C. Law 23-56; 67 DCR 2475) (“temporary act”). The temporary

act will expire on October 9, 2020. This second round of emergency and temporary legislation will maintain and expand upon the provisions of the temporary act while the Committee on the Judiciary and Public Safety advances the permanent legislation this fall. The Committee has scheduled a public hearing on the permanent legislation for October 1, 2020.

Please contact Sonia Weil, Senior Legislative Counsel, at sweil@dccouncil.us with any questions.

- “Sexual Assault Victims Rights Emergency Declaration Resolution of 2020”
- “Sexual Assault Victims Rights Emergency Amendment Act of 2020”
- “Sexual Assault Victims Rights Temporary Amendment Act of 2020”

On November 5, 2019, the Council passed the Sexual Assault Victims’ Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072) (“bill”). To account for the time needed to train individuals to serve as sexual assault counselors, sexual assault victim advocates, and sexual assault youth victim advocates, the bill’s provisions expanding the right to sexual assault counselors, sexual assault victim advocates, and sexual assault youth victim advocates were subject to an applicability clause that delayed the effective date of those provisions until October 1, 2020. On March 11, 2020, the Mayor declared a public health emergency in the District of Columbia through Mayor’s Order 2020-045. As a result of the public health emergency, many of the organizations that had expressed interest in providing adult and youth advocacy services under the bill faced difficulties expanding services. To ensure the organizations have enough time to train additional individuals to serve as sexual assault counselors, sexual assault victim advocates, and sexual assault youth victim advocates, there exists a need to amend section 9(a) of the Sexual Assault Victims Rights Amendment Act of 2019 (D.C. Law 23-57; D.C. Official Code § 4-507 *et seq.*) to extend the applicability date of sections related to rights to a sexual assault counselor, sexual assault advocate, and sexual assault youth advocate, from October 1, 2020 to January 1, 2021. Furthermore, there exists a need to amend Section 14-307 of the District of Columbia Official Code to clarify that sexual assault counselors are not permitted to disclose confidential information acquired from a client in a professional capacity without consent of the client or their legal representative. This is a technical change.

Please contact Kevin Whitfield, Policy Advisor, at kwhitfield@dccouncil.us with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director
Mayor’s Office of Policy and Legislative Affairs