

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the tolling time for FOIA requests.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “FOIA Tolling Temporary Amendment Act of 2020”.

Sec. 2. Section 808 of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 12236), is amended to read as follows:

“Sec. 808. Freedom of Information Act.

“The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.), is amended as follows:

“(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

“(1) Subsection (c) is amended as follows:

“(A) Paragraph (1) is amended as follows:

“(i) Strike the phrase “Except as provided in paragraph (2) of this subsection” and insert the phrase “Except as provided in paragraphs (2) and (3) of this subsection” in its place.

“(ii) Strike the phrase “Sundays, and” and insert the phrase

35 “Sundays, days of the Initial COVID-19 closure, and” in its place.

36 “(B) Paragraph (2)(A) is amended by striking the phrase “Sundays, and”
37 and inserting the phrase “Sundays, days of the Initial COVID-19 closure, and” in its place.

38 “(C) A new paragraph (3) is added to read as follows:

39 “(3)(A) For requests made during the Initial COVID-19 closure, a public
40 body shall within 45 days (except Saturdays, Sundays, and legal public holidays) of the end of
41 the Initial COVID-19 closure either make the requested public record accessible or notify the
42 person making such request of its determination not to make the requested public record or any
43 part thereof accessible and the reasons therefor.

44 “(B) If the public record requested during the Initial COVID-19
45 closure is a body-worn camera recording recorded by the Metropolitan Police Department, the
46 Metropolitan Police Department, upon request reasonably describing the recording, shall within
47 60 days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request
48 either make the requested recording accessible or notify the person making such request of its
49 determination not to make the requested recording or any part thereof accessible and the reasons
50 therefor.

51 “(2) Subsection (d) is amended as follows:

52 “(A) Paragraph (1) is amended to read as follows:

53 “(1) In unusual circumstances, the time limits prescribed in subsections
54 (c)(1) and (c)(2) of this section may be extended by written notice to the person making such
55 request setting forth the reasons for extension and expected date for determination. Except for an
56 unusual circumstance set forth in paragraph (2)(D) of this subsection, such extension shall not
57 exceed 10 days (except Saturdays, Sundays, days of the Initial COVID-19 closure, and legal
58 holidays) for records requested under subsections (c)(1) of this section and 15 days (except

59 Saturdays, Sundays, days of the Initial COVID-19 closure, and legal holidays) for records
60 requested under subsection (c)(2) of this section. For an unusual circumstance set forth in
61 paragraph (2)(D) of this subsection, such extension shall not exceed 45 days (except Saturdays,
62 Sundays, and legal holidays) after the end of the COVID-19 closure.

63 “(B) A new paragraph (2)(D) is added to read as follows:

64 “(D) The need to conduct an on-site review of records that could present a
65 significant risk to health or safety during a COVID-19 closure.

66 “(b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase
67 “Sundays, and” and inserting the phrase “Sundays, days of the initial COVID-19 closure, and” in
68 its place.

69 “(c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c)
70 to read as follows:

71 “(c) For the purposes of this title, the term:

72 “(1) “COVID 19 closure” means:

73 “(A) A period of time for which the Mayor has declared a public health
74 Emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
75 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

76 “(B) A period of time during which a public body is closed due to the
77 COVID-19 coronavirus disease, as determined by the personnel authority of the public body.

78 “(2) “Initial COVID-19 closure” means March 11, 2020 through January 15,
79 2021.”.

80 Sec. 3. Fiscal impact statement.

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

84 Sec. 4. Effective date.

85 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
86 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
87 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
88 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
89 Columbia Register.

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