

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code to require that District law enforcement officials obtain the informed consent of a subject of a search when that search is based solely on the subject’s consent, to create a process for obtaining the informed consent of a subject, and to establish presumptions in cases where law enforcement officials fail to comply, or document compliance, with the process for obtaining the informed consent of a subject.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Limitations on Consent Searches Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On July 21, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920) (“temporary act”). The temporary act will expire on July 15, 2021; however, section 110 of the temporary act, because it was retroactive to August 15, 2020, is projected to expire earlier than the rest of the temporary act on March 28, 2021.

(b) This emergency legislation is now necessary to maintain the provisions of section 110 of the temporary act as the Council considers permanent legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

35 Limitations on Consent Searches Emergency Amendment Act of 2021 be adopted after a single
36 reading.

37 Sec. 4. This resolution shall take effect immediately.