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Chairman Mendelson
at the request of the Attorney General

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 the Human Rights Act of 1977 to clarify the remedies that are available to the Attorney General in the prosecution of civil rights violations.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Attorney General Civil Rights Enforcement Emergency Declaration Resolution”.

Sec. 2. (a) The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), was enacted to protect people from invidious forms of discrimination. The Attorney General has carried out the purpose of the Human Rights Act by diligently investigating and prosecuting civil rights violations.

(b) In the course of the Attorney General’s prosecution of civil rights violations, subjects of investigations have repeatedly raised unsubstantiated challenges to the Attorney General’s common law authority to utilize investigative tools such as subpoenas and sworn investigative interviews in the context of civil rights investigations. Similarly, defendants have challenged the Attorney General’s authority to obtain injunctive relief and civil penalties.

(c) Recently in response to the coronavirus emergency, the Attorney General’s authority to use investigative tools and seek injunctive relief and penalties was expressly confirmed in the various coronavirus-related emergency and temporary bills, which added a new section to the

33 Human Rights Act expressly authorizing their use. The additional clarification of the Attorney
34 General's authority streamlined the Attorney General's efforts to protect vulnerable persons from
35 discrimination during the coronavirus emergency and increased their effectiveness.

36 (d) Civil rights violations continue to persist and increase after the coronavirus
37 emergency. Express reauthorization of the Attorney General's authority in this area is necessary
38 to continue to efficiently and effectively investigate and prosecute civil rights violations, and
39 protect victims of discrimination.

40 Sec. 3. The Council of the District of Columbia determines that the circumstances
41 enumerated in section 2 constitute emergency circumstances making it necessary that Attorney
42 General Civil Rights Enforcement Emergency Amendment Act of 2021 be adopted after a single
43 reading.

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