

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 January 4, 2022 Regular Legislative Meeting
DATE: December 29, 2021

I am requesting that the following measures be agendized for the January 4, 2022 Regular Legislative Meeting:

Ceremonial Resolutions

- “Men Can Stop Rape 25th Anniversary Recognition Resolution of 2022”

This ceremonial resolution recognizes and celebrates the 25th anniversary of Men Can Stop Rape, a community-based organization in the District mobilizing men to create cultures free from violence and prevent men’s violence against women.

The measure will be timely filed, and a draft copy is attached. Please contact Kevin Whitfield, Policy Advisor, at kwhitfield@dccouncil.us, with any questions.

Congressional Review Emergency Legislation

- “Anti-SLAPP Congressional Review Emergency Declaration Resolution of 2022”
- “Anti-SLAPP Congressional Review Emergency Amendment Act of 2022”

On November 2, 2021, the Council passed the Anti-SLAPP Emergency Amendment Act of 2021, enacted on November 8, 2021 (D.C. Act 24-208; 68 DCR 12193) (“emergency act”). The emergency act is set to expire on February 6, 2022. On December 7, 2021, the Council passed the Anti-SLAPP Temporary Amendment Act of 2021, passed on 2nd reading on December 7, 2021 (Enrolled version of Bill 24-492) (“temporary bill”). The temporary bill is pending Mayoral review. 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 bill.

The measures will be timely filed, and draft copies are attached. Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us, with any questions.

Emergency Legislation at the Request of the Attorney General

- “Attorney General Civil Rights Enforcement Emergency Declaration Resolution of 2022”
- “Attorney General Civil Rights Enforcement Emergency Amendment Act of 2022”
- “Attorney General Civil Rights Enforcement Temporary Amendment Act of 2022”

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 individuals from invidious forms of discrimination. The Attorney General has carried out the purpose of the Human Rights Act by investigating and prosecuting civil rights violations. In the course of the Attorney General's prosecutions, 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 this context. Similarly, defendants have challenged the Attorney General's authority to obtain injunctive relief and civil penalties.

In response to the COVID-19 emergency, the Attorney General's authority to use investigative tools and seek injunctive relief and penalties pursuant to the Human Rights Act was expressly confirmed by the Council in COVID-19-related emergency and temporary legislation. Civil rights violations continue to persist and increase after the expiration of that legislation. Express reauthorization of the Attorney General's authority in this area continues the Council's prior actions and is necessary to continue to efficiently and effectively investigate and prosecute civil rights violations and protect victims of discrimination.

These measures will be timely filed by the Attorney General, and copies are attached. Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us, with any questions.

cc: Members, Council of the District of Columbia
Office of the Budget Director
Office of the General Counsel
Office of the Secretary