


Councilmember Brooke Pinto

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to enhance the Private Security Camera System Incentive Program by removing the program rebate cap; to amend the Anti-Sexual Abuse Act of 1994 to clarify the definition of “significant relationship” in sexual abuse cases; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011 to require that all participating entities in the CJCC report aggregate programmatic data on process and outcomes of programs; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, to prohibit firearms possession for people convicted of stalking, and to establish an offense of endangerment with a firearm; to amend Title 16 of the District of Columbia Official Code to establish a rebuttable presumption that pre-hearing detention is necessary where there is a substantial probability that the youth committed a dangerous crime or a crime of violence; to amend Title 23 of the District of Columbia Official Code to establish a rebuttable presumption in favor of detaining a person pretrial where there is probable cause that the person committed a violent crime, to require courts to make written findings in cases where the rebuttable presumption is overcome, to provide courts with discretion to make a misdemeanor arrest warrant extraditable, to clarify that GPS records from the Pretrial Services Agency are admissible in court, to direct the Court to expedite cases involving a child victim, and to add strangulation to the definition of a crime of violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Prioritizing Public Safety Temporary Amendment Act of 2023”.

Sec. 2. Section 214 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2831), is amended as follows:

(a) Subsection (c) is amended as follows:

42 (1) Paragraph (1) is amended to read as follows:

43 “(1)(A) Upon approval of a rebate claim submitted pursuant to subsection (b) of
44 this section, the Program shall provide a rebate; provided, that the amount of the rebate shall not
45 be more than the purchase price of the system.”.

46 (2) Paragraph (3) is repealed.

47 (b) Subsection (e)(1)(C) is repealed.

48 (c) Subsection (f) is amended as follows:

49 (2) Paragraph (3) is amended by striking the phrase “; and” and inserting a
50 semicolon in its place.

51 (3) Paragraph (4) is amended by striking the period and inserting the phrase “;
52 and” in its place.

53 (4) A new paragraph (5) is added to read as follows:

54 “(5) The maximum amount of rebate available to an individual, entity, and
55 address.”.

56 Sec. 3. Section 16-2310(a-1)(1)(A) of the District of Columbia Official Code is amended
57 by striking the phrase “while armed with or having readily available a pistol, firearm, or
58 imitation firearm”.

59 Sec. 4. Section 101(10)(D) of the Anti-Sexual Abuse Act of 1994, effective May 23,
60 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(10)(D)), is amended by striking the
61 phrase “employee or volunteer” and inserting the phrase “employee, contractor, or volunteer” in
62 its place.

63 Sec. 5. Section 1501 of the Criminal Justice Coordinating Council for the District of
64 Columbia Establishment Act of 2011, effective October 3, 2001 (D.C. Law 14-28; D.C. Official
65 Code § 22-4234), is amended by adding a new subsection (b-5) to read as follows:

66 “(b-5) By October 1, 2023, and on a quarterly basis thereafter, the CJCC shall submit to
67 the Mayor and the Council and post on its website a report that includes the following
68 information, in accordance with existing law:

69 “(1) Aggregate programmatic data on process and outcome of programs,
70 including diversion; and

71 “(2) Aggregate outcomes of alternative dispositions and sentencing agreements.”.

72 Sec. 6. An Act To control the possession, sale, transfer and use of pistols and other
73 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
74 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code § 22-
75 4501), is amended as follows:

76 (a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

77 (1) A new paragraph (4A) is added to read as follows:

78 “(4A) “Open to the general public” means a location:

79 “(A) To which the public is invited; and

80 “(B) For which no payment, membership, affiliation, appointment,
81 or special permission is required for an adult to enter, other than proof of age or a security
82 screening.”.

83 (2) A new paragraph (7B) is added to read as follows:

84 “(7B) “Public conveyance” means any government-operated air, land, or water
85 vehicle used for the transportation of persons, including any airplane, train, bus, or boat.”.

86 (b) Section 3 (D.C. Official Code § 22-4503) is amended as follows:

87 (1) Paragraph (5)(C) is amended by striking the semicolon and inserting the
88 phrase “; or” in its place.

89 (2) Paragraph (6) is amended to read as follows:

90 “(6) Has been convicted within the past 5 years of:

91 “(A) An intrafamily offense, as defined in D.C. Official Code § 16-
92 1001(8), punishable as a misdemeanor, or any similar provision in the law of another
93 jurisdiction; or

94 “(B) Stalking or attempted stalking, pursuant to Title V of the Omnibus
95 Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-
96 88; D.C. Official Code § 22-3131 *et seq.*), punishable as a misdemeanor, or any similar provision
97 in the law of another jurisdiction.”.

98 (c) A new section 3c is added to read as follows:

99 “Sec. 3c. Endangerment with a firearm.

100 “(a) A person commits endangerment with a firearm when the person:

101 “(1) Knowingly discharges a projectile from a firearm outside a licensed firing
102 range; and

103 “(2) Either:

104 “(A) The person knows that the discharged projectile creates a substantial
105 risk of death or bodily injury to another person; or

106 “(B) In fact:

107 “(i) The person is in, or the discharged projectile travels through or
108 stops in, a location that is:

109 “(I) Open to the general public at the time of the offense;
110 “(II) A communal area of multi-unit housing; or
111 “(III) Inside a public conveyance or a rail station; and
112 “(ii) The person does not have permission to discharge a projectile

113 from a firearm under:

114 “(I) A written permit issued by the Metropolitan Police
115 Department; or
116 “(II) Other District or federal law.

117 “(b) *Penalty.* A person who violates subsection (a) of this section shall upon conviction
118 be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality
119 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
120 3571.01), or imprisoned not more than 2 years, or both.

121 “(c) *Multiple convictions for related offenses.* When arising from the same act or course
122 of conduct, a conviction for an offense under this section shall merge with a conviction;

123 “(1) Under D.C. Code § 22-4503.01; or

124 “(2) For another offense outside of this chapter that has as an element in the
125 offense definition or applicable penalty enhancement possessing or having readily available a
126 firearm, imitation firearm, or dangerous.

127 “(d) *No mental state required under subsection (a)(2)(B).* No mental state is required as
128 to any element under subsection (a)(2)(B).

129 “(e) *Defense.* It is a defense to liability under this section that the person discharged a
130 firearm under circumstances constituting lawful self-defense or defense of others.”.

131 Sec. 7. Title 23 of the District of Columbia Official Code is amended as follows:

132 (a) Section 23-563(b) is amended to read as follows:

133 “(b)(1) A warrant or summons issued by the Superior Court of the District of Columbia
134 for an offense punishable by imprisonment for not more than one year, or by a fine only, or by
135 such imprisonment and a fine:

136 “(A)(i) May be served in any place in the District of Columbia; or

137 “(ii) May be served at any place within the jurisdiction of the
138 United States, if a judicial officer of the Superior Court of the District of Columbia finds that
139 good cause exists for the warrant or summons to be served at any place within the jurisdiction of
140 the United States; and

141 “(B) May not be executed more than one year after the date of issuance.

142 “(2) Good cause for the warrant or summons to be served at any place within the
143 jurisdiction of the United States is presumed where the warrant or summons is for an intrafamily
144 offense, as defined in § 16-1001(8), or where the warrant or summons is for an offense under
145 Chapter 30 of Title 22 of the District of Columbia Official Code.”.

146 (b) Section 23-1303(d) is amended to read as follows:

147 “(d) Any information contained in the agency’s files, presented in its report, or divulged
148 during the course of any hearing shall not be admissible on the issue of guilt in any judicial
149 proceeding, but such information may be used in proceedings under §§ 23-1327, 23-1328, and
150 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent
151 proceeding. Any information obtained from a device, as that term is defined in § 22-1211(a)(2),
152 may be used on the issue of guilt in any judicial proceeding.”.

153 (c) Section 23-1903(d) is amended as follows:

154 (1) Strike the phrase “child is called to give testimony” and insert the phrase
155 “child is a victim or is called to give testimony” in its place.

156 (2) Strike the phrase “granting a continuance in cases involving a child witness”
157 and insert the phrase “granting a continuance in cases involving a child victim or child witness”
158 in its place.

159 (d) Section 23-1322 is amended as follows:

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

161 (A) Paragraph (1) is amended by striking the phrase “or a crime of
162 violence, as these crimes are defined in § 23-1331,” and inserting the phrase “, as that crime is
163 defined in § 23-1331,”;

164 (B) Paragraph (3) is amended by striking the phrase “or a crime of
165 violence, as these crimes are defined in § 23-1331,” and inserting the phrase “, as that crime is
166 defined in § 23-1331,”;

167 (C) Paragraph (4) is amended by striking the phrase “or a crime of
168 violence”;

169 (D) Paragraph (5) is amended by striking the phrase “or crimes of
170 violence”;

171 (E) Paragraph (6) is repealed;

172 (F) Paragraph (7) is amended by striking the phrase “; or” and inserting a
173 semicolon in its place;

174 (G) Paragraph (8) is amended by striking the period at the end and
175 inserting the phrase “; or” in its place; and

176 (H) A new paragraph (9) is added to read as follows:

177 “(9) Committed a crime of violence, as that term is defined in D.C. Code § 23-
178 1331(4).”.

179 (2) Subsection (f) is amended by adding a new paragraph (3) to read as follows:

180 “(3) Where there is a rebuttable presumption of detention pursuant to either § 23-
181 1322(c) or § 23-1325(a), the judicial officer shall include written findings of fact and a written
182 statement of the reasons for the release, setting forth clear and convincing evidence that
183 supported the rebuttal of the presumption.”.

184 (e) Section 23-1325(a) is amended by striking the phrase “a substantial probability” and
185 inserting the phrase “probable cause” in its place.

186 Sec. 8. An Act To establish a code of law for the District of Columbia, approved March
187 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended by adding a new section 806d to
188 read as follows:

189 “Sec. 806d. Strangulation.

190 “(a) A person commits the offense of strangulation if that person knowingly,
191 intentionally, or recklessly restricts the normal circulation of the blood or breathing of another
192 person, either by applying pressure on the throat, neck, or chest of another person, or by blocking
193 the nose or mouth of another person.

194 “(b) Except for as provided in subsection (c) of this section, a person convicted of
195 strangulation shall be fined no more than the amount set forth in section 101 of the Criminal Fine
196 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
197 Official Code § 22-3571.01), or incarcerated for not more than 5 years, or both.

198 “(c) A person convicted of strangulation may fined up to 1 ½ times the maximum fine
199 otherwise authorized under this section and may be incarcerated for a term of up to 1 ½ times the
200 maximum term of incarceration otherwise authorized under this section, or both, if:

201 “(1) The victim sustained serious bodily injury, as that term is defined in section
202 101(7) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C.
203 Official Code § 22-3001(7)), as a result of the offense;

204 “(2) The person was, at the time of the offense, required to stay away from or
205 have no contact with the victim as a condition of their parole or supervised release or pursuant to
206 a court order; or

207 “(3) The person was, within 5 years of commission of the strangulation offense,
208 convicted of either an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), or a
209 similar offense in the law of another jurisdiction.”.

210 Sec. 9. Fiscal impact statement.

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

214 Sec. 10. Effective date.

215 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
216 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
217 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
218 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
219 Columbia Register.

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