



Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Criminal Justice Coordinating Council report aggregate programmatic data on process and outcomes of programs, and to require the Criminal Justice Coordinating Council to publish data related to arrests for violent crimes, gun violence, and homicide counts and rates; 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, and for other purposes to establish an offense of endangerment with a firearm; to amend section 16-2310 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 certain serious violent crimes or committed a dangerous crime or crime of violence while armed with a knife; 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 change the standard of proof necessary to trigger a rebuttable presumption for certain serious crimes, 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 on the issue of guilt, and to direct the Court to expedite cases involving a child victim; to amend An Act To establish a code of law for the District of Columbia to create a new standalone offense of strangulation; to require the Metropolitan Police Department to publish closure information for all violent crimes and non-fatal shootings; to revive the Extreme Risk Protection Order Implementation Working Group and to require the Metropolitan Police Department and the Office of the Attorney General to assist publicizing information about extreme risk protection orders; to require the Metropolitan Police Department to review every shooting to inform immediate interventions, and to require the Deputy Mayor for Public Safety and Justice to review each shooting from a services and response perspective; and

45 to require the Mayor to submit to the Council and post on its website a firearm tracing
46 date and accountability report.

47
48 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
49 act may be cited as the “Prioritizing Public Safety Second Congressional Review Emergency
50 Amendment Act of 2023”.

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

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

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

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

59 (2) Paragraph (3) is repealed.

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

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

62 (1) Paragraph (3) is amended by striking the phrase “; and” and inserting a
63 semicolon in its place.

64 (2) Paragraph (4) is amended by striking the period and inserting the phrase “;
65 and” in its place.

66 (3) A new paragraph (5) is added to read as follows:

67 “(5) The maximum amount of rebate that will be available under this section after
68 the applicability date of section 2(a)(1) of the Prioritizing Public Safety Emergency Amendment
69 Act of 2023, passed on emergency basis on July 11, 2023 (Enrolled version of Bill 25-395).”.

70 Sec. 3. Section 16-2310(a-1)(1)(A) of the District of Columbia Official Code is amended
71 to read as follows:

72 “(A) Committed:

73 “(i) A dangerous crime or a crime of violence while armed with or
74 having readily available a knife, pistol, firearm, or imitation firearm; or

75 “(ii) Unarmed murder, first-degree sexual abuse, carjacking, or
76 assault with intent to commit any such offense; or”.

77 Sec. 4. Section 101(10)(D) of the Anti-Sexual Abuse Act of 1994, effective May 23,
78 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(10)(D)), is amended by striking the
79 phrase “employee or volunteer” and inserting the phrase “employee, contractor, or volunteer” in
80 its place.

81 Sec. 5. Section 1501 of the Criminal Justice Coordinating Council for the District of
82 Columbia Establishment Act of 2011, effective October 3, 2001 (D.C. Law 14-28; D.C. Official
83 Code § 22-4234), is amended by adding new subsections (b-5) and (b-6) to read as follows:

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

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

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

90 “(b-6) The CJCC shall post the following year-to-date data on its website monthly,

91 beginning with the earliest year for which CJCC is able to obtain historical data:

92 “(1) Arrests for violent crimes committed by juveniles and adults, by offense; and

93 “(2) Gun violence and homicide counts and rates citywide and by ward,

94 neighborhood, and police service area.”.

95 Sec. 6. An Act To control the possession, sale, transfer and use of pistols and other
96 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
97 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
98 4501 *et seq.*), is amended as follows:

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

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

101 “(4A) “Open to the general public” means a location:

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

103 “(B) For which no payment, membership, affiliation, appointment,

104 or special permission is required for an adult to enter, other than proof of age or a security

105 screening.”.

106 (2) Paragraph (7A) is redesignated as paragraph (7B).

107 (3) A new paragraph (7A) is added to read as follows:

108 “(7A) “Public conveyance” means any government-operated air, land, or water

109 vehicle used for the transportation of persons, including any airplane, train, bus, or boat.”.

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

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

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

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

115 “(2) Either:

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

118 “(B) In fact:

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

121 “(I) Open to the general public at the time of the offense;

122 “(II) A communal area of multi-unit housing; or

123 “(III) Inside a public conveyance or a rail station; and

124 “(ii) The person does not have permission to discharge a projectile
125 from a firearm under:

126 “(I) A written permit issued by the Metropolitan Police
127 Department; or

128 “(II) Other District or federal law.

129 “(b) Whoever violates this section shall upon conviction be fined no more than the
130 amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,
131 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-357.01), or incarcerated for
132 no more than 2 years, or both.

133 “(c) When arising from the same act or course of conduct, a conviction for an offense
134 under this section shall merge with a conviction:

135 “(1) Under section 3a; or

136 “(2) For another offense outside of this act that has, as an element in the offense
137 definition or in the applicable penalty enhancement, possessing or having readily available a
138 firearm, imitation firearm, or dangerous weapon.

139 “(d) No mental state shall be required as to any element under subsection (a)(2)(B) of this
140 section.

141 “(e) It shall be a defense to liability under this section that the person discharged a
142 firearm under circumstances constituting lawful self-defense or defense of others.”.

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

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

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

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

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

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

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

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

159 “(d) Any information contained in the agency’s files, presented in its report, or divulged
160 during the course of any hearing shall not be admissible on the issue of guilt in any judicial
161 proceeding, but such information may be used in proceedings under §§ 23-1327, 23-1328, and
162 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent
163 proceeding. Any information obtained from a device, as that term is defined in § 22-1211(a)(2),
164 may be used on the issue of guilt in any judicial proceeding.”.

165 (c) Section 23-1322 is amended as follows:

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

167 (A) Paragraph (1) is amended by striking the phrase “or a crime of
168 violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its
169 place.

170 (B) Paragraph (3) is amended by striking the phrase “or a crime of
171 violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its
172 place.

173 (C) Paragraph (4) is amended by striking the phrase “crime or a crime of
174 violence” and inserting the word “crime” in its place.

175 (D) Paragraph (5) is amended by striking the phrase “crimes or crimes of
176 violence” and inserting the word “crimes” in its place.

177 (E) Paragraph (6) is repealed.

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

180 (G) Paragraph (8) is amended by striking the period and inserting the
181 phrase “; or” in its place.

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

183 “(9) Committed a crime of violence, as that term is defined in § 23-1331(4).”.

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

186 (e) Section 23-1903(d) is amended as follows:

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

189 (2) Strike the phrase “granting a continuance in cases involving a child witness”
190 and insert the phrase “granting a continuance in cases involving a child victim or child witness”
191 in its place.

192 Sec. 8. An Act To establish a code of law for the District of Columbia, approved March
193 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended by adding a new section 806d to
194 read as follows:

195 “Sec. 806d. Strangulation.

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

200 “(b) Except for as provided in subsection (c) of this section, a person convicted of
201 strangulation shall be fined no more than the amount set forth in section 101 of the Criminal Fine
202 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
203 Official Code § 22-3571.01), or incarcerated for no more than 5 years, or both.

204 “(c) A person convicted of strangulation may be fined up to 1½ times the maximum fine
205 otherwise authorized under this section and may be incarcerated for a term of up to 1½ times the
206 maximum term of incarceration otherwise authorized under this section, or both, if:

207 “(1) The victim sustained serious bodily injury, as that term is defined in section
208 101(7) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C.
209 Official Code § 22-3001(7)), as a result of the offense;

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

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

216 Sec. 9. Section 386(c) of the Revised Statutes of the District of Columbia (D.C. Official
217 Code § 5-113.01(c)), is amended by adding a new paragraph (1B) to read as follows:

218 “(1B) Quarterly, the case closure rates for:

219 “(A) Violent crimes, by offense, committed with or without the use of a
220 weapon; and

221 “(B) Non-fatal shootings.”.

222 Sec. 10. Title X of the Firearms Control Regulations Act of 1975, effective April 27,
223 2021 (D.C. Law 23-274; D.C. Official Code § 7-2510.01 *et seq.*), is amended as follows:

224 (a) Section 1013 (D.C. Official Code § 7-2510.13) is amended as follows:

225 (1) Subsection (c) is amended by striking the phrase “Working Group” and
226 inserting the phrase “Working Group, and shall convene the Working Group no later than
227 September 1, 2023” in its place.

228 (2) Subsection (e) is amended by striking the phrase “January 1, 2023” and
229 inserting the phrase “January 1, 2025” in its place.

230 (b) A new section 1014 is added to read as follows:

231 “Sec. 1014. Public awareness initiatives.

232 “By September 1, 2023:

233 “(1) The Metropolitan Police Department shall prominently display information
234 about extreme risk protection orders, including the petition process, on its website; and

235 “(2) The Office of the Attorney General shall develop and implement a public
236 awareness campaign to inform residents, professionals, and District government employees
237 about extreme risk protection orders, including the petition process.”.

238 Sec. 11. Implementation of strategic gun violence reduction strategies.

239 (a)(1) The Metropolitan Police Department shall facilitate a Law Enforcement Shooting
240 Review no less than twice per month to review each shooting in the District that occurred since
241 the last Shooting Review, including non-fatal shootings.

242 (2) The purpose of such Law Enforcement Shooting Reviews shall be to identify
243 shooting dynamics, potential retaliation, and necessary law enforcement or other government
244 agency contacts or interventions with persons involved in the reviewed shootings, and then
245 assign responsibilities for immediate interventions.

246 (b) The Deputy Mayor for Public Safety and Justice shall coordinate a
247 Coordination Meeting/Intervention Services Shooting Review no less than twice per month to
248 review each shooting in the District that occurred since the last Shooting Review from a services
249 and response perspective, in order to identify and assign government and community partners to
250 outreach and engage those high-risk individuals implicated by the shootings.

251 Sec. 12. Firearm tracing data and accountability report.

252 (a) By January 1, 2024, the Mayor shall submit to the Council and post on its website a
253 report that includes the following information:

254 (1) The total number of firearms recovered in the District;

255 (2) The location where each firearm was recovered, disaggregated by police
256 district;

257 (3) The total number of ghost guns recovered in the District;

258 (4) The number of firearms recovered, disaggregated by, if available,
259 manufacturer, firearm model, state or country of origin, and the last known point of sale, transfer,
260 theft, or loss of such firearm; and

261 (5) To the extent possible, an analysis of purchase patterns with the available
262 information from the firearms recovered.

263 (b) The Mayor shall begin collecting this information no later than 15 days after the
264 effective date of this act.

265 (c) For the purposes of this section, the term “ghost gun” shall have the same meaning as
266 provided in section 101(9B) of the Firearms Control Regulations Act of 1975, effective
267 September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B)).

268 Sec. 13. Applicability.

269 Section 2(a)(1) shall apply upon the effective date of the rules issued pursuant to section
270 214(f)(5) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective
271 June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2831(f)(5)).

272 Sec. 14. Fiscal impact statement.

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

276 Sec. 15. Effective date.

277 This act shall take effect following approval by the Mayor (or in the event of veto by the
278 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
279 90 days, as provided for emergency acts of the Council of the District of Columbia in section
280 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
281 D.C. Official Code § 1-204.12(a)).