

AN ACT

*Codification
District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 16 of the District of Columbia Official Code to require the Family Court of the Superior Court of the District of Columbia and the Director of the Department of Youth Rehabilitation Services to disclose specified information on juveniles to the Chief of the Metropolitan Police Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Mandatory Juvenile Public Safety Notification Act of 2006”.

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended as follows:

Amend
§ 16-2301

(1) Paragraph (1) is amended by adding a sentence at the end to read as follows: “Pursuant to section 16-2301.01, the term “Division” shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.”.

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

“(1A) “Family Court” means the Family Court of the Superior Court of the District of Columbia.”.

(3) A new paragraph (43) is added to read as follows:

“(43) The term “weapons offense” means any violation of any law, rule, or regulation which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device as these terms are defined in section 7-2501.01.”.

(b) Section 16-2331 is amended by adding a new subsection (d-1) to read as follows:

Amend
§ 16-2331

“(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent whom the Office of the Attorney General has filed a petition against for the following: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) the Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia pursuant to section 16-2313(b)(3), the Family Court

shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department (“Chief”):

“(A) Respondent’s name and date of birth;

“(B) Last known address of the respondent;

“(C) Last known address of respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

“(E) All terms of the placement or conditions of release.

“(2) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, the Family Court shall provide the following case record information to the Chief for all cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):

“(A) Respondent’s name and date of birth;

“(B) All terms or conditions of any stay-away order; and

“(C) All terms or conditions of any curfew order.

“(3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

“(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased.”.

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(c) Section 16-2332 is amended by adding a new subsection (d-1) to read as follows:

**Amend
§ 16-2332**

“(d-1)(1) Notwithstanding subsections (b), (c), or (d) of this section, for every respondent committed to the Department of Youth Rehabilitation Services (“Department”) pursuant to section 16-2320(c)(2) who has been adjudicated of: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Mayor may direct the Director of the Department (“Director”) to provide notice to the Chief of the Metropolitan Police Department (“Chief”) of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

“(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent absconding or escaping from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

“(3) Notice issued pursuant to this subsection shall include the following information, as applicable:

“(A) Respondent’s name and date of birth;

“(B) Last known address of the respondent;

“(C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be assigned, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility; and

“(E) A recent photograph of the respondent, if available.

“(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

ENROLLED ORIGINAL

“(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia