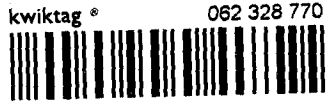


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-177

"Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-676, on first and second readings, June 2, 1998 and July 7, 1998, respectively. Following the signature of the Mayor on July 20, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-419 and published in the August 14, 1998, edition of the D.C. Register (Vol. 45 page 5666) and transmitted to Congress on January 25, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-177, effective March 26, 1999.



LINDA W CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

AN ACT
D.C. ACT 12-419

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 1998

To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985; and 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 allow investigators employed by the Office of the Inspector General to carry firearms, to make arrests if a felony violation is being committed in the presence of the investigator, and to apply for and execute search warrants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998".

Sec. 2. Section 208 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1182.8), is amended by adding a new subsection (f-1) to read as follows:

*Note, Section
1-1182.8*

"(f-1) An employee of the Office of the Inspector General who, as part of his or her official duties, conducts investigations of alleged felony violations, shall possess the following authority while engaged in the performance of official duties:

"(1) To carry a firearm within the District of Columbia or a District government facility located outside of the District, provided that the employee has completed a course of training in the safe handling of firearms and the use of deadly force, and is qualified to use a firearm according to the standards applicable to officers of the Metropolitan Police Department. The employee may not carry a firearm in the course of official duties unless designated by the Inspector General in writing as having the authority to carry a firearm. The Inspector General shall issue written guidelines pertaining to the authority to carry firearms, the appropriate use of firearms, firearms issuance and security, and the use of force;

"(2) To make an arrest without a warrant if the employee has probable cause to believe that a felony violation of a federal or District of Columbia statute is being committed in his or her presence, provided that the arrest is made while the employee is engaged in the performance of his or her official duties within the District of Columbia or a District government

ENROLLED ORIGINAL

facility located outside of the District; and

"(3) To serve as an affiant for, to apply to an appropriate judicial officer for, and execute a warrant for the search of premises or the seizure of evidence if the warrant is issued under authority of the District of Columbia or of the United States upon probable cause."

Sec. 3. Section 5(a) of 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, approved July 8, 1932 (47 Stat. 651; D.C. Code § 22-3205(a)), is amended by inserting the phrase "including criminal investigators of the Office of the Inspector General, designated in writing by the Inspector General, while engaged in the performance of their official duties," after the phrase "duly appointed law-enforcement officers,".

Note, Section
22-3205

Sec. 4. Fiscal impact statement.

The Council projects that the legislation will have a neutral fiscal impact in terms of direct costs, but will have a positive fiscal impact if indirect effects are taken into account. The legislation could present additional costs for training, firearms, ammunition, and vehicles to transport detainees. However, these costs will be minimal and are reflected in the FY 98 and FY 99 budgets for the OIG.

Investigators without law enforcement background will undergo training, which includes training in firearm use as well as other aspects of criminal work, at the Federal Law Enforcement Training Center in Glynco, Georgia. Presently there are only two investigators without a law enforcement background at the OIG. The cost of the training is approximately \$3,000 per person, and will be funded through a \$71,000 training budget for FY 98 and an \$82,500 training budget for FY 99. Investigators who have a law enforcement background (21 of the 23 investigators do) will undergo training and firearms testing for free through the Federal Bureau of Investigation or the U.S. Secret Service, which receive federal appropriations for the training and testing of law enforcement officers. The U.S. Drug Enforcement Administration has offered to provide free handguns to the OIG, pending a legal review of provisions for transferring federal property to a local government.

The projected \$16,000 cost for ammunition is included in the OIG's FY 98 budget and in the proposed FY 99 budget for the OIG. The FY 98 budget also includes \$80,000 for the purchase of four new vehicles that can be used to transport detainees. Therefore, there is no negative impact on the District's financial plan and budget.

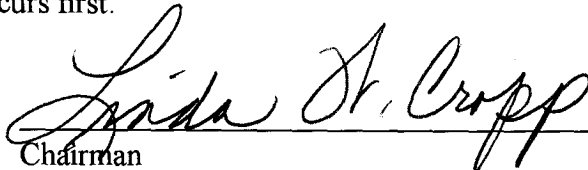
The indirect fiscal impact of the legislation should be positive, although it is impossible to quantify. If the legislation allows OIG investigators to expand the scope of their work, to gather important evidence, and to increase collaboration with other law enforcement agencies, the District will be able to prevent, detect, and punish fraud and corruption. Potential savings could be in the millions of dollars.

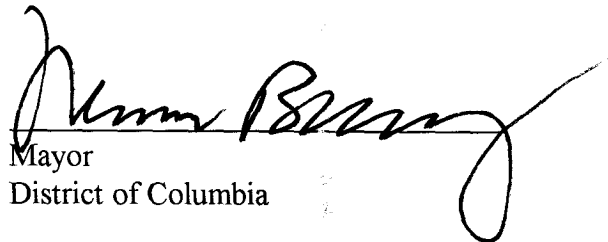
ENROLLED ORIGINAL

Sec. 5. Effective date.

(a) 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-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. Code § 1-233(c)(2)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect or on the effective date of the Office of the Inspector General Law Enforcement Powers Amendment Act of 1998, whichever occurs first.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 20, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-676

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 6-2-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

CATANIA AND THOMAS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

[Signature]
 Date July 9, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 7-7-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

[Signature]
 Date July 9, 1998

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date