

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend the Opportunity Accounts Act of 2000 to correct typographical errors and to make a grammatical correction; the Advisory Neighborhood Commissions Act of 1975 to make explicit the Council's expectation that ANCs will be notified of proposed revenue bond issuances, consistent with the existing language; the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to correct the numbering of a subtitle; the Fiscal Year 2003 Budget Support Act of 2002 to correct a citation; the Washington Convention Center Authority Act of 1994 to substitute new section references to conform to legislative drafting convention; the Technical Amendments Act of 1997 to correct a section reference; 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 penalties, to prescribe rules of evidence, and for other purposes to insert commas; section 25-201(a) of the District of Columbia Official Code to provide for active approval of nominated persons to the Alcoholic Beverage Control Board to conform to existing law regarding confirmations; Title 47 of the District of Columbia Official Code to correct punctuation and format to clarify the applicability of the conditional provision of the Reprogramming Policy Amendment Act of 2000, to correct a chapter reference, and to strike a word that was inadvertently added; the Whistleblower Reinforcement Act of 1998 to correct a subtitle reference; the Fiscal Year 2001 Budget Support Act of 2000 to correct the capitalization of a word; the Redevelopment Land Agency Disposition Review Amendment Act of 2000 to correct a reference to an erroneous section in the Homestead Housing Preservation Act of 1986 and in Title 47 of the District of Columbia Official Code, and to make stylistic changes to conform to the drafting convention for District legislation; Title II of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to correct a citation, to re-enact a title as amendatory rather than organic, to re-number a subsection to reflect the sunset of a previous subsection, and to conform to the legislative drafting convention; the Prevention of Child Abuse and Neglect Act of 1977 to repeal a provision delaying the applicability of the requirement that a multidisciplinary investigation team investigate cases involving sexual abuse of a child and to correct a drafting error; the Improved Child Abuse Investigations Amendment Act of 2002 to delay the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports

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of child abuse and neglect; the Government Sport Utility Vehicle Purchasing Amendment Act of 2002 to reflect the committee print; and the Advisory Neighborhood Commission Boundaries Act of 2002 to clarify the boundaries of Single Member Districts 3D01 and 3D06.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Code and Miscellaneous Technical Amendments Act of 2002".

Sec. 2. The Opportunity Accounts Act of 2000 is amended as follows:

(a) Section 4(b) is amended by striking the second paragraph designation "(8)" and inserting the paragraph designation "(9)" in its place.

(b) Section 6(e)(4) is amended to read as follows:

"(4) Permit the account holder, or, if in an escrow or custodial account, the administering organization, to withdraw money from the account."

Sec. 3. Section 13(c)(1) of the Advisory Neighborhood Commissions Act of 1975 is amended by adding the phrase "before the transmission to the Council of a proposed revenue bond issuance," after the phrase "organization or group," in the second sentence.

Sec. 4. The District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(a) Section 201(c) is amended by striking the phrase "title 15-A" and inserting the phrase "Title XV-A" in its place.

(b) Section 202(6) is amended by striking the phrase "title 15-A" and inserting the phrase "Title XV-A" in its place.

Sec. 5. Section 702 of the Fiscal Year 2003 Budget Support Act of 2002 is amended by striking the phrase "Section 2302(b)" and inserting the phrase "Section 2303b" in its place.

Sec. 6. Section 151 of the Prevention of Child Abuse and Neglect Act of 1977 is amended as follows:

(a) Subsection (a) is amended by striking the phrase "subsection (c)" and inserting the phrase "subsection (b)" in its place.

(b) Subsection (c) is repealed.

Sec. 7. Section 208a(e) of the Washington Convention Center Authority Act of 1994 is amended as follows:

(a) Strike the subsection designation "(e)" and insert the subsection and paragraph designations "(e)(1)" in its place.

(b) Strike the paragraph designations "(1)", "(2)", "(3)", and "(4)" and insert the

subparagraph designations "(A)", "(B)", "(C)", and "(D)," respectively, in their places.

(c) In the newly designated subparagraph (D), strike the semicolon and insert a period in its place.

(d) Strike the paragraph designation "(5)" and insert the paragraph designation "(2)" in its place.

(e) Strike the phrase "under paragraphs (1) and (2)" and insert the phrase "under subparagraphs (A) and (B) of paragraph (1)" in its place.

Sec. 8. Section 21 of the Technical Amendments Act of 1997 is amended to read as follows:

"Sec. 21. The unnumbered paragraph, beginning ""Department" means" of section 2 of Chapter I of the Life Insurance Act is amended by striking the phrase "Department of Insurance of the District of Columbia" and inserting the phrase "Department of Insurance and Securities Regulation" in its place.

Sec. 9. 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 penalties, to prescribe rules of evidence, and for other purposes is amended by striking the phrase "duly appointed law enforcement officers including special agents of the Office of Tax and Revenue, authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to carry a firearm while engaged in the performance of their official duties" and inserting the phrase "duly appointed law enforcement officers, including special agents of the Office of Tax and Revenue, authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to carry a firearm while engaged in the performance of their official duties," in its place.

Sec. 10. Section 25-201(a) of the District of Columbia Official Code is amended by striking the phrase "deemed approved" and inserting the phrase "deemed disapproved" in its place.

Sec. 11. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section § 47-365 is amended as follows:

(1) The heading is amended by striking the phrase "for Fiscal Year 2001 and beyond".

(2) The existing text is designated subsection (a).

(3) The newly designated subsection (a) is amended as follows:

(A) Strike the phrase "in fiscal year 2001, or any subsequent fiscal year".

(B) Paragraph (7) is amending as follows:

(i) Strike the phrase "center;" and insert the phrase "center." in its place.

(ii) Strike the phrase ""provided that the appropriations committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section."".

(4) A new subsection (b) is added to read as follows:

"(b) Such funds shall be available for obligation or expenditure for an agency through a reprogramming of funds as described in subsection (a) of this section; provided, that the appropriations committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.".

(b) Section 47-883(a)(1)(B) is amended by striking the phrase "Chapter 13A" and inserting the phrase "Chapter 8" in its place.

(c) Section 47-4106(c) is amended by striking the word "material".

Sec. 12. Section 102(c) of the Whistleblower Reinforcement Act of 1998 is amended by striking the phrase "title 15-A" and inserting the phrase "Title XV-A" in its place.

Sec. 13. Section 4601 of the Fiscal Year 2001 Budget Support Act of 2000 is amended by striking the word "gifts" and inserting the word "Gifts" in its place.

Sec. 14. Section 3 of the Redevelopment Land Agency Disposition Review Amendment Act of 2000 is amended as follows:

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

"(c) Section 5(a) of the Homestead Housing Preservation Act of 1986 is amended by striking the phrase "section 437 of the District of Columbia Real Property Tax Revision Act of 1974" and inserting the phrase "§§ 47-847 and 47-1303" in its place.".

(b) Subsection (d)(1) is amended to read as follows:

"(1) Section 47-848 is amended by striking the phrase "§ 47-847" and inserting the phrase "§§ 47-847 and 47-1303" in its place.".

Sec. 15. Title II of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 is amended to read as follows:

"TITLE II. THEFT OF UTILITY SERVICE.

"The District of Columbia Theft and White Collar Crimes Act of 1982 is amended by adding new sections 118, 118a, 118b, and 118c to read as follows:

"Sec. 118. Definitions.

"For the purposes of this title, the term:

"(1) "Company" means a person or enterprise engaged in the generation or distribution of natural gas or electricity.

"(2) "Person" means any individual, corporation, company, association, firm, partnership, joint stock company, or other entity.

"Sec. 118a. Unlawful acts.

"Unless a person shall be authorized, or employed by, a company engaged in the generation or distribution of natural gas or electricity, a person shall not willfully connect or disconnect an electrical conductor belonging to the company; make any connection with an electrical conductor for the purpose of using or wasting the electric current or gas; tamper with a meter used to register gas or current consumed; interfere with the operation of an electrical or gas appliance of the company; or tamper, or interfere, with the poles, wires, or conduits used by the company. Nothing in this section shall prevent the lawful governmental regulation of gas or electric companies or electricity suppliers, or their conductors, appliances, machinery, and poles.

"Sec. 118b. Presumptions and rebuttal evidence.

"(a) The presence of a connection, wire, conductor, meter alteration, or any device which effects the diversion of electric current or gas without the current or gas being measured or registered by or on a meter installed by a company engaged in the generation or distribution of electricity or natural gas, whether on a single property or within a multiple-unit building or complex, shall constitute prima facie evidence of intent to violate section 118a.

"(b) If a check or test meter installed or employed by a company engaged in the generation or distribution of electricity or natural gas shows that a person is using a larger amount of electricity than is registered on the meter installed by the company on the person's premises for the purpose of registering the natural gas or electricity used by the person, and the company has verified that the meter is not malfunctioning, it shall constitute prima facie evidence that the unregistered current or gas has been wrongfully diverted by such person and shall constitute prima facie evidence of intent to violate section 118a.

"(c) The presumptions created by this section may be rebutted by a preponderance of the evidence to the contrary that the person alleged to have violated section 118a did not do so. If the person in actual possession of the property or unit has not received the direct benefit of the reduction of the cost in electric or gas services, the presumptions created by this section shall apply to the owner of the property or unit; provided, that the owner has received the direct benefit of unregistered services for at least one full billing cycle.

"Sec. 118c. Penalties for violation.

"(a) A person who violates section 118a shall be guilty of a misdemeanor, and, upon a conviction, shall be imprisoned for not more than 60 days, or fined, not more than \$500, or both. In the case of a second or subsequent conviction, a person who violates section 118a shall be imprisoned for not more than 180 days, or fined, not more than \$1,500, or both.

"(b) In addition to the criminal penalties in subsection (a) of this section, a person who is found to have violated section 118a in a civil proceeding shall be liable to the company using or engaged in the generation or distribution of electricity or gas for restitution of the amount of any losses or damage sustained."

Sec. 16. Section 5 of the Improved Child Abuse Investigations Amendment Act of 2002 is amended as follows:

(a) Designate the existing language as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) Section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) shall apply as of October 1, 2003.”.

Sec. 17. The Government Sport Utility Vehicle Purchasing Amendment Act of 2002 is amended by adding a new section 2a to read as follows:

"Sec. 2a. This act shall apply as of October 1, 2004."

Sec. 18. Section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002 is amended as follows:

(a) The Description of SMD 3D01 Boundaries is amended by striking the phrase “North on Foxhall Road to Calvert Street (as proposed and shown on highway plat maps); West on Calvert Street” and inserting the phrase “North on Foxhall Road to Foxhall Crescent Drive; West and North on Foxhall Crescent Drive to the boundary between 4512 and 4514 Foxhall Crescent Drive; West on the boundary between 4512 and 4514 Foxhall Crescent Drive to Foxhall Crescent Drive; West on Foxhall Crescent Drive” in its place.

(b) The Description of SMD 3D06 Boundaries is amended by striking the phrase “East on Foxhall Crescent Drive (although the road is technically in two sections which do not connect) to the intersection with Foxhall Road.” and inserting the phrase “East on Foxhall Crescent Drive and a line drawn between 4512 and 4514 Foxhall Crescent Drive to Foxhall Crescent Drive; South and East on Foxhall Crescent Drive to Foxhall Road.” in its place.

Sec. 19. 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. 20. 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia