

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend Chapter 19 of Title 23 of the District of Columbia Official Code to permit the submission of a community impact statement prior to the imposition of sentence and to require the court to consider the statement in determining an appropriate sentence; to amend the Office of Administrative Hearings Establishment Act of 2001 to assign adjudication of the impoundment of a vehicle being used in furtherance of a prostitution-related offense to the Office of Administrative Hearings; to amend An Act For the suppression of prostitution in the District of Columbia to specify notice requirements, authorize the imposition of fines and penalties for outstanding infractions, and establish the Anti-Prostitution Vehicle Impoundment Proceeds Fund; to amend section 25-301 of the District of Columbia Official Code to authorize the Alcoholic Beverage Control Board to conduct criminal background checks on applicants for new retailer or wholesaler licenses; and to amend the Drug-Related Nuisance Abatement Act of 1998 to add the presence, use, or display of firearms to the definition of drug-related nuisance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Community Impact Statement Amendment Act of 2010”.

Sec. 2. Chapter 19 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1904 is amended by adding a new subsection (f) to read as follows:

“(f)(1) In addition to a crime victim, a representative of a community affected by the crime of which the defendant has been convicted shall have the right to submit, prior to imposition of sentence, a community impact statement and the court shall consider the community impact statement in determining the appropriate sentence to be imposed on the defendant. If more than one community is affected, each may submit a statement pursuant to this paragraph.

“(2) Sentencing in a misdemeanor case shall not be continued solely because a community impact statement has not been submitted.

Amend
§ 23-1904

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“(3) The Chief Judge of the Superior Court shall establish reasonable procedures with respect to time and manner in which community impact statements are submitted to the court.”.

(b) Section 23-1905 is amended as follows:

**Amend
§ 23-1905**

(1) Designate existing paragraph (1) as paragraph (1B).

(2) Add new paragraphs (1) and (1A) to read as follows:

“(1) The term “community” means a formal or informal association or group of people living, working, or attending school in the same place or neighborhood and sharing common interests arising from social, business, religious, governmental, scholastic, or recreational associations.

“(1A) The term “community impact statement” means a written statement that provides information about the social, financial, emotional, and physical effects of the defendant or crime on the community.”.

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-4) to read as follows:

**Amend
§ 23-1831.03**

“(b-4) In addition to those adjudicated cases listed in subsections (a), (b), (b-1), (b-2), and (b-3) of this section, this act shall apply to all adjudicated cases involving the impoundment of a vehicle pursuant to section 6(a) of An Act For the suppression of prostitution in the District of Columbia, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-2724(a)).”.

Sec. 4. An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

(1) Section 6 (D.C. Official Code § 22-2724) is amended as follows:

**Amend
§ 22-2724**

(A) Subsection (c) is amended by striking the second sentence and inserting the sentence “If the owner of record of the vehicle is not available to receive such notice at the time of the seizure, the notice shall be mailed by first class mail, no later than 5 days after the vehicle is received at an impoundment or storage facility, to the last known address of the owner or owners of record of the vehicle, as that information is indicated in the records of the Department of Motor Vehicles or in the records of the appropriate agency of the jurisdiction where the vehicle is registered.” in its place.

(B) Subsection (d) is amended by striking the phrase “a booting fee, if applicable,” and inserting the phrase “a booting fee, if applicable, all outstanding fines and penalties for infractions for which liability has been admitted, deemed admitted, or sustained after hearing,” in its place.

(2) Subsection 7(a) (D.C. Official Code § 22-2725(a)) is amended to read as follows:

**Amend
§ 22-2725**

“(a) There is established as a nonlapsing fund the Anti-Prostitution Vehicle Impoundment Proceeds Fund ("Fund"), which shall be used for the purpose set forth in subsection (b) of this section. All funds collected from the assessment of civil penalties, booting, towing, impoundment, and storage fees pursuant to section 5, and any and all interest earned on those funds, shall be deposited into the Fund, and shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section with regard to fiscal year limitation, subject to authorization by Congress.”.

Sec. 5. Section 2(3)(A)(iii) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603), is amended by striking the word “telephone” and inserting the phrase “telephone, cell phone accessories,” in its place.

**Amend
§ 22-2603**

Sec. 6. Section 25-301 of the District of Columbia Official Code is amended by adding new subsections (c), (d), (e), (f), and (g) to read as follows:

**Amend
§ 25-301**

“(c) To determine whether an applicant for a new retailer or wholesaler license meets the criteria of subsection (a)(3) and (4) of this section, the Board may obtain criminal history records of criminal convictions maintained by the Federal Bureau of Investigation and the Metropolitan Police Department. The Board shall:

“(1) Inform the applicant that a criminal background check will be conducted;

“(2) Obtain written approval from the applicant to conduct a criminal background check;

“(3) Coordinate with the Metropolitan Police Department to obtain a set of qualified fingerprints from the applicant; and

“(4) Obtain any additional identifying information from the applicant that is required for the Metropolitan Police Department and the Federal Bureau of Investigation to complete a criminal background check.

“(d) The Board shall coordinate with the Metropolitan Police Department to adopt procedures necessary to facilitate this objective.

“(e) The fingerprint card shall not be maintained by the Board or by the Metropolitan Police Department and shall be returned to the applicant after the completion of the criminal background check.

“(f) Once notified, the Board shall seal, set aside, expunge, and otherwise maintain any record received pursuant to this section so that the record is in compliance with any order issued by the Superior Court of the District of Columbia pursuant to a sealing, set aside, or expungement statute, including Chapter 8 of Title 16 and Chapter 9 of Title 24 of the District of Columbia Official Code. Once notified, the Board shall also seal, set aside, expunge, and

otherwise maintain any record received pursuant to this section so that the record is in compliance with any court order or official government request or statement from the jurisdiction that is the source of that record.

“(g) The Board shall maintain the confidentiality of any information returned from the Metropolitan Police Department and the Federal Bureau of Investigation and use such information only for the purpose of determining whether the applicant satisfies the criteria set forth in subsection (a)(3) and (4) of this section.

Sec. 7. The Drug-Related Nuisance Abatement Act of 1998, effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 42-3101) is amended as follows:

Amend
§ 42-3101

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “value that is related to prostitution” and inserting the phrase “value that is related to prostitution, the presence, use, or display of firearms,” in its place.

(B) Subparagraph (B) is amended by striking the phrase “due to prostitution” and inserting the phrase “due to prostitution, the presence, use, or display of firearms,” in its place.

(C) Subparagraph (C) is amended by striking the phrase “that is related to prostitution” and inserting the phrase “that is related to prostitution, the presence, use, or display of firearms,” in its place.

(D) Subparagraph (D) is amended by striking the phrase “that are related to prostitution” and inserting the phrase “that are related to prostitution, the presence, use, or display of firearms,” in its place.

(E) Subparagraph (F) is amended by striking the phrase “The display of dangerous weapons” and inserting the phrase “The presence, use, or display of firearms” in its place.

(F) Subparagraph (G) is amended by striking the phrase “controlled substances or drug paraphernalia” and inserting the phrase “controlled substances or drug paraphernalia, the presence, use, or display of firearms,” in its place.

(G) Subparagraph (H) is amended by striking the phrase “relating to prostitution” and inserting the phrase “relating to prostitution, the presence, use, or display of firearms,” in its place.

(H) Subparagraph (I) is amended by striking the phrase “relating to prostitution or the use” and inserting the phrase “relating to prostitution, the presence, use, or display of firearms, or the use” in its place.

(I) Subparagraph (J) is amended by striking the phrase “associated with prostitution” and inserting the phrase “associated with prostitution, the presence, use, or display of firearms,” in its place.

(J) Subparagraph (K) is amended by striking the phrase “The discharge of a firearm at the property” and inserting the phrase “The presence, use, display, or discharge of a firearm at the property” in its place.

(2) Paragraph (2) is amended by striking the phrase “drug or prostitution-related” both times it appears and inserting the phrase “drug-, firearm-, or prostitution-related” in its place.

(3) Paragraph (5) is amended as follows:

(A) The lead-in text is amended by striking the phrase “Drug or prostitution-related” and inserting the phrase “Drug-, firearm-, or prostitution-related” in its place.

(B) Subparagraph (B) is amended to read as follows:

“(B) Any real property, in whole or in part, used, or intended to be used, to facilitate prostitution, or that is used or intended to be used to unlawfully store or otherwise keep one or more firearms, or that is used or intended to be used for the sale or manufacture of controlled substances or drug paraphernalia, that has an adverse impact on the community.”.

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

“(5A) “Firearm” shall have the same meaning as provided in section 101(9) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9), except that it shall not include the lawful possession of a firearm by a person who is licensed or otherwise permitted by law to possess the weapon.”.

(5) Paragraph (7) is amended by striking the phrase “drug or prostitution-related” and inserting the phrase “drug-, firearm-, or prostitution-related” in its place.

(b) Sections 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, and 14 (D.C. Official Code §§ 42-3102 through 42-3106 and 42-3108 through 42-3113) are amended by striking the phrase “drug or prostitution-related” wherever it appears and inserting the phrase “drug-, firearm-, or prostitution-related” in its place.

Amend
§§ 42-3102 -
42-3106,
42-3108 - 42-
3113

Sec. 8. 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. 9. 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

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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