

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 11-273

"Zero Tolerance for Guns Amendment Act of 1996".

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. 11-153, on first and second readings, June 19, 1996 and October 1, 1996, respectively. Following the signature of the Mayor on October 18, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-431, and published in the November 15, 1996, edition of the D.C. Register (Vol. 43 page 6168) and transmitted to Congress on January 15, 1997 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-273, effective June 3, 1997.



LINDA W. CROPP
Acting Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

Feb.	3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8,9,10,14,15,16,17,21,22,23,24,25,28,29,30
May	1,5,6,7,8,9,12,13,14,15,16,19,20,21,22
June	2

AN ACT

D.C. ACT 11-431

Codification
District of
Columbia
Code
1997 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 18, 1996

To amend the Firearms Control Regulations Act of 1975 to provide for civil forfeiture for weapons offenses; title 23 of the District of Columbia Code to permit pretrial detention for individuals charged with weapons offenses and individuals who pose a risk of flight or other serious risk; and the District of Columbia Work Release Act to permit the Director of the Department of Corrections to grant work release and to increase the fine and days of incarceration for violations of work release plans.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Zero Tolerance for Guns Amendment Act of 1996".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Code § 6-2301 *et seq.*), is amended by adding a new section 706a to read as follows:

"706a. (a) For the purposes of this section, the term "owner" means a person with an ownership interest in the specific conveyance sought to be forfeited. The term "owner" does not include:

New Section
6-2376.1

"(1) A person with only a general unsecured interest in, or claim against, the conveyance;

"(2) A bailee; or

"(3) A nominee who exercises no dominion or control over the conveyance.

"(b) Any conveyance, including vehicles and vessels in which any person or persons transport, possess, or conceal any firearm, as that term is defined in section 101, or in any manner use to facilitate a violation of section 202 or section 3 or 4 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 §§ 22-3203 and 22-3204), shall be seized and forfeited to the District of Columbia, provided that:

Note, Sections
6-2311,
22-3203,
22-3204

"(1) No conveyance used by any person as a duly licensed common carrier in the

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course of transacting business as a licensed common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of a violation of this section; and

"(2) The forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the illegal act giving rise to forfeiture.

"(c) An innocent owner's interest in a conveyance which has been seized shall not be forfeited under this section.

"(1) A person is an innocent owner if he or she establishes, by a preponderance of the evidence:

"(A) That he or she did not know that a person or persons in the conveyance was transporting, possessing, or concealing any firearm or that the conveyance was involved in or was being used in the commission of any illegal act involving any firearm; or

"(B) That, upon receiving knowledge of the presence of any illegal firearm in or on the conveyance or that the conveyance was being used in the commission of an illegal act involving a forfeiture, he or she took action to terminate the presence in or on the conveyance of the person, persons, or firearms.

"(2)(A) A claimant who establishes a lack of knowledge under subsection (c)(1)(A) of this section shall be considered an innocent owner unless the government, in rebuttal, establishes the existence of facts and circumstances that should have created a suspicion that the conveyance was being or would be used for an illegal purpose. In that case, the claimant must establish that, in light of such facts and circumstances, he or she did all that reasonably could be expected to prevent the use of the conveyance in the commission of any such illegal act.

"(B) A person who willfully blinds himself or herself to a fact shall be considered to have had knowledge of that fact.

"(d) All seizures and forfeitures of conveyances under this section shall follow the procedures set forth in section 502 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-552)."

Sec. 3. Title 23 of the District of Columbia Code is amended as follows:

(a) Section 23-1331(3) is amended as follows:

(1) By striking the word "or" at the end of subparagraph (D);

(2) By striking the period at the end of subparagraph (E) and inserting the phrase ", or" in its place; and

(3) By adding a new subparagraph (F) to read as follows:

"(F) possessing an unregistered firearm, carrying a pistol without a license, or carrying a concealed weapon in a place other than the person's dwelling place, place of business or on other land possessed by the person."

(b) Section 23-1322(b)(1)(C) is amended by striking the word "and" and inserting the

Section
23-1331

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word "or" in its place.

Sec. 4. The District of Columbia Work Release Act, approved November 10, 1966 (80 Stat. 1519; D.C. Code § 24-461 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 24-461) is amended by inserting the phrase "or the Director of the Department of Corrections" after the phrase "in the discretion of the sentencing court".

Section
24-461

(b) Section 4 (D.C. Code § 24-463) is amended to read as follows:

Section
24-463

"Sec. 4. The Director of the Department of Corrections shall state in writing the terms and conditions under which a person granted work release privileges may be released from actual custody during the time necessary to proceed to the person's place of employment or other authorized places, perform specified activities, and return to a place of confinement designated by the Director of the Department of Corrections."

(c) Section 5 (D.C. Code § 24-464) is amended by striking the second sentence.

Section
24-464

(d) Section 6 (D.C. Code § 24-465) is amended as follows:

Section
24-465

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

"(a) The Director of the Department of Corrections may suspend or revoke the work release privilege for any breach of discipline or infraction of institution regulations. The Court may revoke the work release privilege at any time, either upon its own motion or upon recommendation of the Director of the Department of Corrections."

(2) Subsection (b) is amended by striking the phrase "\$300" and inserting the phrase "\$1,000" in its place and by striking the figure "90" and inserting the figure "180" in its place.

Sec. 5. Fiscal impact statement.

The U.S. Attorney's Office plans to ask for pre-trial detention in 230 to 240 additional cases per year as the result of the Zero Tolerance for Guns Amendment Act of 1996. The Corrections Department ("Department") estimates that the 240 additional inmates will generate 17,760 new "man" days (240 inmates detained for 74 days). The Department originally estimated a \$62.12 per diem cost for housing inmates within the Department. However, the cost for contracting out inmates could be approximately \$45 to \$55, with \$55 being the most realistic. Assuming that the 240 additional inmates will be housed in contract units at a per diem cost of \$55, the total annual cost of this act will be approximately \$976,808 for the Department. The Superior Court estimates that there will be \$150,000 in additional costs for hearings and the Public Defender Service indicates that it will need approximately \$95,000 in additional funds.

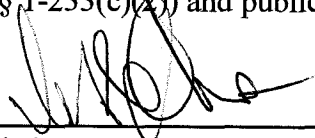
The Committee on the Judiciary ("Committee") allocated \$800,000 for the Department, \$150,000 for the Superior Court and \$95,000 for the Public Defender Service for Fiscal Year 1997 to cover estimated costs in 1997. Because of the Congressional schedule, it is unlikely that this act will be in effect on October 1, 1996, the beginning of the fiscal year. The Committee projects that this act will not be in the effect for the first quarter of the fiscal year. Therefore, the total annual cost for the agencies involved should be less than anticipated. The

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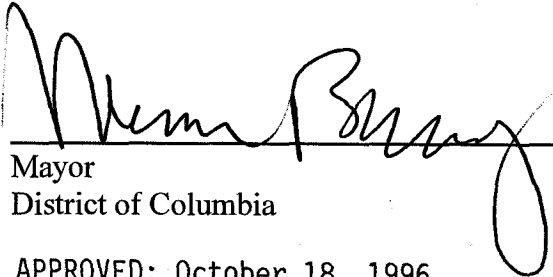
projected cost for the Department is \$732,000; for the Superior Court, \$113,000; and for the Public Defender Service, \$71,000. The expenditure increases for these agencies are slightly in excess of the amounts recommended for funding by the Committee for Fiscal Year 1997.

Sec. 6. 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 of the District of Columbia 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 Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)) and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 18, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-153

Docket No.

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FIRST READING, 06-19-96

[X] VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

CHMN. CLARKE, BRAZIL, JARVIS, LIGHTFOOT AND WHITTINGTON

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

October 4, 1996
Date

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FINAL READING, 10-01-96

[X] VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

LIGHTFOOT AND THOMAS

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

October 4, 1996
Date

[] 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. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date