

ENROLLMENT(S)

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(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-164

"Correctional Treatment Facility 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. 12-578, on first and second readings, March 3, 1998 and April 7, 1998, respectively. Following the signature of the Mayor on April 20, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-335 and published in the May 15, 1998, edition of the D.C. Register (Vol. 45 page 2937) and transmitted to Congress on May 19, 1998 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 12-164, effective October 10, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

May	19,20,21,22
June	1,2,3,4,5,9,10,11,12,15,16,17,18,19,22,23,24,25
July	14,15,16,17,20,21,22,23,24,27,28,29,30,31,
Sept.	8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
Oct.	1,2,5,6,7,8,9

AN ACT

X
D.C. ACT 12-335

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 20, 1998

To amend, on a temporary basis, the Correctional Treatment Facility Act of 1996 to authorize the use of force and use of weapons by correctional officers employed by the operator of any private prison facility housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, in addition to the Correctional Treatment Facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Correctional Treatment Facility Temporary Amendment Act of 1998".

Sec. 2. The Correctional Treatment Facility Act of 1996, effective June 3, 1997 (D.C. Law 11-276; D.C. Code § 24-495.1 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 24-495.1) is amended as follows:

**Note, Section
24-495.1**

(1) Paragraph (4) is amended to read as follows:

"(4) "Private correctional officer" means any full-time or part-time employee of the private operator of the Correctional Treatment Facility or any other privately-operated prison facility housing inmates in the District for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, or the subcontractor of any private operator housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, whose primary responsibility is the supervision, protection, care, and control of inmates assigned to the Correctional Treatment Facility or any other privately-operated prison facility in the District."

(2) Paragraph (5) is amended to read as follows:

"(5) "Private operator" means any individual, partnership, corporation, or incorporated association bound by contract with the District or the United States to operate the Correctional Treatment Facility or any other prison facility housing inmates in the District for the District of Columbia Department of Corrections or the Federal Bureau of Prisons."

(b) Subsection 3(a) (D.C. Code § 24-495.2(a)) is amended to read as follows:

**Note, Section
24-495.2**

"(a) A private correctional officer may carry firearms provided by the private operator only in the following situations:

ENROLLED ORIGINAL

“(1) While patrolling the perimeter grounds at the CTF or any other privately-operated prison facility;

“(2) While transporting inmates assigned to the CTF or any other privately-operated prison facility;

“(3) While pursuing inmates assigned to the CTF or any other privately-operated prison facility who have escaped from the custody of the Department of Corrections or the Federal Bureau of Prisons; and

“(4) During a state of emergency as determined by the Department of Corrections or the Federal Bureau of Prisons.”

(c) Section 4 (D.C. Code § 24-495.3) is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

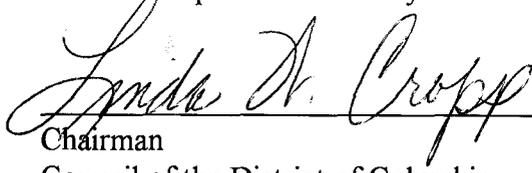
**Note, Section
24-495.3**

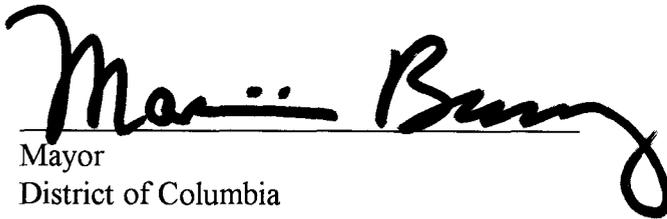
“(b) An inmate confined in any privately-operated prison facility established pursuant to Subtitle C of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 712; P.L. 105-33), shall be deemed to be at all times in the legal custody of the Federal Bureau of Prisons. Only the Federal Bureau of Prisons shall have authority to transfer or assign inmates into or out of the privately-operated prison facility. All laws and regulations governing conduct of inmates in Federal Bureau of Prisons facilities shall apply to inmates confined in any privately-operated prison facility during such time as the prison facility is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees shall apply wherever applicable to offenses committed against any private correctional officer or other employee of the private operator.”

Sec. 3. The enactment of this act will have no adverse fiscal impact, and has the potential for favorable fiscal impact because it will allow the District to be considered by the Federal Bureau of Prisons as a location of a new privately-operated prison facility for at least 2,200 District inmates, a project which would generate jobs and increase District revenues.

Sec. 4. (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)(2) 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.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: April 20, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-578

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 3-3-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

CHAVOUS AND THOMAS

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

[Signature]
Secretary to the Council

[Signature] April 8, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 4-7-98

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ALL PRESENT

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

[Signature]
Secretary to the Council

[Signature] April 8, 1998
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. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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CERTIFICATION RECORD

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AN ACT

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**Note, Section
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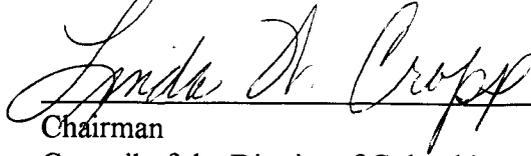
**Note, Section
24-495.3**

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(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

ADOPTED FIRST READING, 3-3-98
 APPROVED
 CHAVOUS AND THOMAS

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

[Signature]
 Secretary to the Council

[Signature]
 Date 3/8/98

CRIPPLE VOTION RECORD

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

ADOPTED FINAL READING, 4-7-98
 APPROVED
 ALL PRESENT

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

[Signature]
 Secretary to the Council

[Signature]
 Date 4/8/98

CRIPPLE VOTION RECORD

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

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

Secretary to the Council

Date

CRIPPLE VOTION RECORD