



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to authorize the Mayor to issue rules, subject to Council review, to implement provisions of the Firearms Control Regulations Act of 1975; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to designate certain violations of the act civil pedestrian offenses, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations; to amend Title 18 of the District of Columbia Municipal Regulations to include a civil fine schedule for violations of the Act to Regulate Public Conduct on Public Passenger Vehicles; to amend the District of Columbia Traffic Adjudication Act of 1978 to make conforming changes; and to amend the Firearms Safety Omnibus Amendment Act of 2018 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause

47 shown, to issue such orders as may be necessary to obtain mental health records and other
48 relevant information for the purposes of petitions for an extreme risk protection order, to
49 modify the duration of ex parte extreme risk protection orders, to establish procedures for
50 the issuance and execution of search warrants accompanying extreme risk protection
51 orders, to add the Office of Attorney General and the Superior Court for the District of
52 Columbia to the list of entities that shall receive from the Metropolitan Police
53 Department information related to extreme risk protection orders, to require the Mayor or
54 the Mayor's designee to submit information about extreme risk protection orders to the
55 National Instant Criminal Background Check System for the purposes of firearm
56 purchaser background checks.

57
58 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
59 act may be cited as the "Firearms Safety Omnibus Clarification Emergency Amendment Act of
60 2019".

61 Sec. 2. The District of Columbia Mental Health Information Act of 1978, effective March
62 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1204.01 *et seq.*), is amended as follows:

63 (a) Section 402 (D.C. Official Code § 7-1204.02) is amended to read as follows:

64 "Sec. 402. Civil commitment proceedings; Extreme risk protection orders.

65 "Mental health information may be disclosed by a mental health professional when and to
66 the extent necessary to:

67 "(1) Initiate or seek civil commitment proceedings under D.C. Official Code § 21-
68 541; or

69 "(2) Request an extreme risk protection order under Title X of the Firearms
70 Control Regulations Act of 1975, enacted on January 30, 2019 (D.C. Act 22-620; 66 DCR
71 1672).".

72 (b) Section 403 (D.C. Official Code § 7-1204.03) is amended by adding a new
73 subsection (c) to read as follows:

74 "(c) Mental health information shall be disclosed to the Office of the Attorney General
75 for the District of Columbia in response to a court order issued pursuant to section

76 203(f)(3)(A)(i) of the Firearms Control Regulations Act of 1975, effective September 24, 1976
77 (D.C. Law 1-85; D.C. Official Code § 7-2502.03(f)(3)(A)(i)), or section 1003(d)(2) of the
78 Firearms Control Regulations Act of 1975, enacted on January 30, 2019 (D.C. Act 22-620; 66
79 DCR 1672).”.

80 Sec. 3. The Firearms Control Regulations Act of 1975, effective March 31, 2009 (D.C.
81 Law 17-372; D.C. Official Code § 7–2501.01 *et seq.*), is amended as follows:

82 (a) Section 705(b) (D.C. Official Code § 7–2507.05) is amended by striking the phrase
83 “the United States Attorney and the Corporation Counsel for the District whether” and inserting
84 the phrase “the United States Attorney’s Office and the Office of Attorney General whether” in
85 its place.

86 (b) Section 712 (D.C. Official Code § 7–2507.11) is amended to read as follows:

87 “The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
88 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
89 rules to implement the provisions of this act. The proposed rules shall be submitted to the
90 Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of
91 Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in
92 part, by resolution within the 45-day review period, the proposed rules shall be deemed
93 approved.”.

94 Sec. 4. Section 501 of the Homeland Security, Risk Reduction, and Preparedness
95 Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 22-
96 4251), is amended as follows:

97 (a) Subsection (b)(1) is amended by striking the phrase “following entities” and inserting
98 the phrase “following entities, of which one-third shall constitute a quorum” in its place.

99 (b) Subsection (c) is amended by striking the phrase “June 1, 2019” and inserting the
100 phrase “June 1, 2020” in its place.

101 Sec. 5. Section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles,
102 effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)), is amended to
103 read as follows:

104 “(a)(1) Except as provided in subsection (b)(1) of this section, a violation of section 2(b)
105 or section 3 shall be punishable by a civil fine of not more than \$50.

106 “(2) Violations penalized under this subsection shall constitute a pedestrian
107 offense for purposes of section 301 of the District of Columbia Traffic Adjudication Act of 1978,
108 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.01).

109 “(3) Individuals authorized to issue notices of infractions for the violations
110 penalized under this subsection include any police officer with authority to make arrests within
111 the District, including members of the Metro Transit Police Department.”.

112 Sec. 6. Section 2603.1 of Title 18 of the District of Columbia Municipal Regulations is
113 amended by adding new infractions to read as follows:

114 “Smoke or carry a lighted or smoldering pipe, cigar, or cigarette (D.C. Official Code §
115 35-251(b)(1)) \$50.00

116 “Consume food or beverages (D.C. Official Code § 35-251(b)(2)) \$50.00

117 “Spit (D.C. Official Code § 35-251(b)(3)) \$50.00

118 “Discard litter (D.C. Official Code § 35-251(b)(4)) \$50.00

119 “Play any radio, musical instrument, or similar device, unless it is connected to an
120 earphone that limits the sound to the individual user (D.C. Official Code § 35-251(b)(5))
121 \$50.00

122 “Carry any animals, except for guide dogs properly harnessed and small animals properly
123 contained (D.C. Official Code § 35-251(b)(7)) \$50.00

124 “Stand in front of the line marked on the forward end of the floor of any bus or otherwise
125 conduct themselves in such a manner as to obstruct the vision of the operator (D.C. Official Code
126 § 35-251(b)(8)) \$50.00

127 “Operate or chain to any fence, tree, railing, or other structure not specifically designated
128 for such use, skateboards, rollerblades, roller skates, non-motorized scooters, bicycles, tricycles,
129 or unicycles (D.C. Official Code § 35-251(b)(9)) \$50.00

130 “Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not
131 specifically designated for such use, mopeds, motorbikes, or any similar vehicle (D.C. Official
132 Code § 35-251(b)(10)) \$50.00

133 “Board a public or private passenger vehicle for hire, including vehicles owned or
134 operated by the Washington Metropolitan Area Transit Authority, without paying the established
135 fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code §
136 35-252(1)(A)) \$50.00

137 “Board a rail transit car owned or operated by the Washington Metropolitan Area Transit
138 Authority without paying the established fare or presenting a valid transfer and without
139 emergency circumstances (D.C. Official Code § 35-252(1)(B)) \$50.00

140 “Enter or leave the fare-paid area of a rail transit station owned or operated by the
141 Washington Metropolitan Area Transit Authority without paying the established fare or
142 presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-
143 252(1)(C)) \$50.00

144 “Board a public or private passenger vehicle for hire, including vehicles owned or
145 operated by the Washington Area Metropolitan Transit Authority, through the rear exit door,
146 unless so directed by an employee or agent of the carrier (D.C. Official Code § 35-252(2))
147 \$50.00.”.

148

149 Sec. 7. Section 307(b) of the District of Columbia Traffic Adjudication Act of 1978,

150 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.07(b)), is

151 amended as follows:

152 (a) The existing text is designated as paragraph (1).

153 (b) A new paragraph (2) is added to read as follows:

154 “(2) This subsection shall not apply to a pedestrian offense penalized under
155 section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective
156 September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)).”.

157 Sec. 8. Section 2 of the Firearms Safety Omnibus Amendment Act of 2018, enacted on
158 January 30, 2019 (D.C. Act 23-620; 66 DCR 1672), is amended as follows:

159 (a) Subsection (a) is amended as follows:

160 (1) The amendatory section 203(a)(15) contained within paragraph (1)(G) is
161 amended to read as follows:

162 “(15) Is not the subject of an ex parte extreme risk protection order issued
163 pursuant to section 1004 or a final extreme risk protection order issued pursuant to section 1003
164 or renewed pursuant to section 1006.”.

165 (2) The amendatory section 203(f)(3) contained within paragraph (2) is amended
166 as follows:

167 (A) Subparagraph (A) is amended to read as follows:

168 “(3)(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection,
169 and for good cause shown, the court shall issue such orders as may be necessary to obtain any
170 mental health records and other information relevant for the purposes of the petition. The order
171 shall require the disclosure of records to the Office of the Attorney General so that the Office of
172 the Attorney General can conduct a search of the petitioner’s mental health records and report its
173 findings to the court as required by subparagraph (B) of this paragraph.

174 “(ii) The court shall order the Office of the Attorney General to file
175 a response to the petition. Within 60 days after the court’s order for a response, the Office of the
176 Attorney General shall file a response indicating whether the Office of the Attorney General
177 supports or opposes the petition.

178 “(iii) The court may, for good cause shown, extend in 30-day
179 increments the date by which the Office of Attorney General must file its response under sub-
180 subparagraph (ii) of this paragraph.”.

181 (B) Subparagraph (B) is amended by striking the phrase “criminal history”
182 and inserting the phrase “criminal history and firearms eligibility” in its place.

183 (b) Subsection (c)(2) is amended to read as follows:

184 “(2) Subsection (b) is amended as follows:

185 “(A) Strike the phrase “under this section or pursuant to section 210(c)(1)”
186 and insert the phrase “under this section, section 210(c)(1), or section 1009(c)” in its place.

187 “(B) Strike the phrase “Corporation Counsel for the District” and insert
188 the phrase “Office of the Attorney General” in its place.”.

189 (c) Subsection (e) is amended as follows:

190 (1) The amendatory section 1001 is amended as follows:

191 (A) A new paragraph (1A) is added to read as follows:

192 “(1A) “Hours of daylight” means between 6:00 a.m. and 9:00 p.m.”.

193 (B) Paragraph (2)(A) is amended by striking the phrase “relationship
194 rendering the application of this title appropriate” and inserting the word “relationship” in its
195 place.

196 (2) The amendatory section 1002 is amended as follows:

197 (A) Subsection (a) is amended as follows:

198 (i) Paragraph (3) is amended by striking the semicolon and
199 inserting the phrase “; and” in its place.

200 (ii) Paragraph (4) is repealed.

201 (B) Subsection (c) is amended to read as follows:

202 “(c)(1) The Office of the Attorney General may:

203 “(A) Intervene in the case and represent the interests of the District of
204 Columbia; or

205 “(B) At the request of the petitioner, provide individual legal
206 representation to the petitioner in proceedings under this title.

207 “(2) If the Office of the Attorney General intervenes in a case under paragraph
208 (1)(A) of this subsection, the intervention shall continue until:

209 “(A) The court denies the petition for a final extreme risk protection order
210 pursuant to section 1003;

211 “(B) The court terminates a final extreme risk protection order pursuant to
212 section 1008; or

213 “(C) The Office of the Attorney General withdraws from the
214 intervention.”.

215 (C) Subsection (d) is amended to read as follows:

216 “(d) The court may place any record or part of a proceeding related to the issuance,
217 renewal, or termination of an extreme risk protection order under seal for good cause shown.”.

218 (D) A new subsection (e) is added to read as follows:

219 “(e) When computing a time period specified in this title, or in an order issued under this
220 title:

221 “(1) Stated in days or a longer unit of time:

222 “(A) Exclude the day of the event that triggers the time period;

223 “(B) Count every day, including intermediate Saturdays, Sundays and
224 legal holidays; and

225 “(C) Include the last day of the time period, but if the last day of the time
226 period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other
227 conditions cause the court to be closed, the time period specified shall continue to run until the
228 end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or
229 other conditions cause the court to be closed.

230 “(2) Stated in hours:

231 “(A) Begin counting immediately on the occurrence of the event that
232 triggers the time period;

233 “(B) Count every hour, including hours during intermediate Saturdays,
234 Sundays, and legal holidays; and

235 “(C) If the time period would end on a Saturday, Sunday, legal holiday, or
236 a day on which weather or other conditions cause the court to be closed, the time period
237 continues to run until the same time on the next day that is not a Saturday, Sunday, legal holiday,
238 or a day on which weather or other conditions cause the court to be closed.”.

239 (3) The amendatory section 1003 is amended as follows:

240 (A) Subsection (a)(2) is amended to read as follows:

241 “(2) The initial hearing shall be held within 14 days after the date the petition was
242 filed.”.

243 (B) Subsection (b) is amended as follows:

244 (i) Paragraph (1) is amended by striking the phrase “5 business
245 days” and inserting the phrase “7 days” in its place.

246 (ii) A new paragraph (3) is added to read as follows:

247 “(3) If the respondent is unable to be personally served after the court has set a
248 new hearing date and required new attempts at service pursuant to paragraph (2) of this
249 subsection, the court may dismiss the petition without prejudice.”.

250 (C) Subsection (d) is amended to read as follows:

251 “(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the
252 court shall issue such orders as may be necessary to obtain any mental health records and other

253 information relevant for the purposes of the petition. The order shall require the disclosure of
254 records to the Office of the Attorney General so that it can conduct a search of the respondent's
255 mental health records and report its findings to the court as required by this subsection. Before
256 the hearing for a final extreme risk protection order, the court shall order that the Office of the
257 Attorney General:

258 “(1) Conduct a reasonable search of all available records to determine whether the
259 respondent owns any firearms or ammunition;

260 “(2) Conduct a reasonable search of all available records of the respondent's
261 mental health;

262 “(3) Perform a national criminal history and firearms eligibility background check
263 on the respondent; and

264 “(4) Submit its findings under this subsection to the court.”.

265 (D) The lead-in language for subsection (e) is amended by striking the
266 phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits,
267 affidavits, supporting documents, and all other relevant evidence,” in its place.

268 (E) Subsection (h)(6) is amended by striking the phrase “connected with a
269 petition filed under this title” and inserting the phrase “connected with this title” in its place.

270 (4) The amendatory section 1004 is amended as follows:

271 (A) Subsection (c) is amended as follows:

272 (i) The lead-in language for subsection (c) is amended by striking
273 the phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits,
274 affidavits, supporting documents, and all other relevant evidence,” in its place.

275 (ii) Paragraph (4) is amended by striking the phrase “firearm by”
276 and inserting the phrase “firearm or other weapon by” in its place.

277 (B) Subsection (f) is amended by striking the phrase “to section” and
278 inserting the phrase “to this section” in its place.

279 (C) Subsection (g) is amended as follows:

280 (i) Paragraph (3) is amended to read as follows:

281 “(3) The date and time the order will expire;”.

282 (ii) Paragraph (7) is amended to read as follows:

283 “(7) The procedures for the surrender of firearms, ammunition, registration
284 certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s
285 possession, control, or ownership pursuant to section 1007; and”.

286 (D) Subsection (h) is amended to read as follows:

287 “(h) An ex parte extreme risk protection order issued pursuant to this section shall remain
288 in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme
289 risk protection order in additional 14-day increments for good cause shown.”.

290 (5) The amendatory section 1005(a) is amended as follows:

291 (A) Paragraph (2) is amended by striking the phrase “next business day”
292 and inserting the phrase “next day” in its place.

293 (B) Paragraph (3) is amended by striking the phrase “5 business days” and
294 inserting the phrase “7 days” in its place.

295 (C) Paragraph (4) is amended by striking the phrase “one business day”
296 and inserting the phrase “24 hours” in its place.

297 (6) The amendatory section 1006 is amended as follows:

298 (A) Subsection (c) is amended by striking the phrase “15 business days”
299 and inserting the phrase “21 days” in its place.

300 (B) Subsection (d)(4) is amended by striking the phrase “firearm by” and
301 inserting the phrase “firearm or other weapon by” in its place.

302 (7) The amendatory section 1007(a) is repealed.

303 (8) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

304 “Sec. 1007a. Nature and issuance of search warrants.

305 “(a) If the court issues a final extreme risk protection order pursuant to section 1003,
306 issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final
307 extreme risk protection order pursuant to section 1006, the court may issue an accompanying
308 search warrant. The search warrant may authorize a search to be conducted anywhere in the
309 District of Columbia and shall be executed pursuant to its terms.

310 “(b) A search warrant issued under this section may direct a search of any or all of the
311 following:

312 “(1) One or more designated or described places or premises;

313 “(2) One or more designated or described vehicles;

314 “(3) One or more designated or described physical objects; or

315 “(4) The respondent.

316 “(c) The search warrant shall authorize the search for, and seizure of, any firearms,
317 ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that
318 the respondent is prohibited from having possession or control of, purchasing, or receiving
319 pursuant to the terms of an extreme risk protection order issued or renewed under this title.

320 “(d) A search warrant issued under section 1007a may be addressed to a specific law
321 enforcement officer or to any classification of officers of the Metropolitan Police Department of
322 the District of Columbia or other agency authorized to make arrests or execute process in the
323 District of Columbia.

324 “(e) A search warrant issued under section 1007a shall contain:

325 “(1) The name of the issuing court, the name and signature of the issuing judge,
326 and the date of issuance;

327 “(2) If the search warrant is addressed to a specific officer, the name of that
328 officer, otherwise, the classifications of officers to whom the warrant is addressed;

329 “(3) A designation of the premises, vehicles, objects, or persons to be searched,
330 sufficient for certainty of identification;

331 “(4) A description of the property whose seizure is the object of the search
332 warrant;

333 “(5) A direction that the search warrant be executed during the hours of daylight
334 or, where the court has found cause therefor, including one of the grounds set forth in section
335 1007b(c), an authorization for execution at any time of day or night; and

336 “(6) A direction that the search warrant and an inventory of any property seized
337 pursuant thereto be returned to the court within 72 hours after its execution.

338 “Sec. 1007b. Time of execution of search warrants.

339 “(a) A search warrant issued under section 1007a shall not be executed after the
340 expiration of the extreme risk protection order it accompanies, or after 10 days from the date the
341 warrant was issued, whichever is earlier.

342 “(b) The search warrant shall be returned to the court after its execution or expiration in
343 accordance with section 1007a(e)(6).

344 “(c) A search warrant issued under section 1007a may be executed on any day of the
345 week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this
346 section, shall be executed only during the hours of daylight.

347 “(d) If the court finds that there is probable cause to believe that the search warrant
348 cannot be executed during the hours of daylight, the property sought is likely to be removed or
349 destroyed if not seized forthwith, or the property sought is not likely to be found except at certain
350 times or in certain circumstances, the court may include in the search warrant an authorization
351 for execution at any time of day or night.

352 “Sec. 1007c. Execution of search warrants.

353 “(a) An officer executing a search warrant issued under section 1007a directing a search
354 of a dwelling house or other building or a vehicle shall execute that search warrant in accordance
355 with 18 U.S.C. § 3109.

356 “(b) An officer executing a search warrant issued under section 1007a directing a search
357 of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the
358 person, and, if such person thereafter resists or refuses to permit the search, such person shall be
359 subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of
360 section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-
361 405.01), or other applicable provision of law.

362 “(c)(1) An officer or agent executing a search warrant issued under section 1007a shall
363 write and subscribe an inventory setting forth the time of the execution of the search warrant and
364 the property seized under it.

365 “(2) If the search is of a person, a copy of the search warrant and of the return
366 shall be given to that person.

367 “(3) If the search is of a place, vehicle, or object, a copy of the search warrant and
368 of the return shall be given to the owner thereof or, if the owner is not present, to an occupant,
369 custodian, or other person present. If no person is present, the officer shall post a copy of the
370 warrant and of the return upon the premises, vehicle, or object searched.

371 “(d) A copy of the search warrant shall be filed with the court on the next court day after
372 its execution, together with a copy of the return.

373 “(e) An officer executing a search warrant issued under section 1007a directing a search
374 of premises or a vehicle may search any person therein to the extent reasonably necessary to:

375 “(1) Protect himself or others from the use of any weapon which may be
376 concealed upon the person; or

377 “(2) Find property enumerated in the warrant which may be concealed upon the
378 person.

379 “Sec 1007d. Disposition of property.

380 “(a) A law enforcement officer or a designated civilian employee of the Metropolitan
381 Police Department who seizes property in the execution of a search warrant issued under section
382 1007a shall cause it to be safely kept until the property is returned to:

383 “(1) The respondent, upon the expiration of the extreme risk protection order that
384 the search warrant accompanied; or

385 “(2) A lawful owner, other than the respondent, claiming title to the property
386 pursuant to section 1007(d).

387 “(b) Nothing in subsection (a) of this section shall be construed to require the
388 Metropolitan Police Department to release property seized pursuant to a warrant to a person who
389 did not legally possess the property at the time it was taken.

390 “(c) No property seized shall be released or destroyed except in accordance with law and
391 upon order of a court or of the United States Attorney for the District of Columbia or the Office
392 of the Attorney General.”.

393 (9) The amendatory section 1008 is amended as follows:

394 (A) Subsection (a) is amended by striking the phrase “order in in effect”
395 and inserting the phrase “order is in effect” in its place.

396 (B) Subsection (c)(4) is amended by striking the phrase “firearm by” and
397 inserting “firearm or other weapon by” in its place.

398 (C) Subsection (f) is amended as follows:

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

400 (I) Strike the phrase “upon the petitioner” and insert the
401 phrase “upon the petitioner and respondent” in its place.

402 (II) A new paragraph (1A) is added to read as follows:

403 “(1A) If the petitioner or respondent was personally served in court when the
404 motion to terminate an extreme risk protection order was granted, the personal service
405 requirement of paragraph (1) of this subsection shall be waived with respect to the party served
406 in court.”.

407 (ii) Paragraph (2) is amended as follows:

408 (I) Strike the phrase “next business day” and insert the
409 phrase “next day” in its place.

410 (II) Strike the phrase “the respondent” and insert the phrase
411 “the petitioner” in its place.

412 (iii) Paragraph (3) is amended by striking the phrase “5 business
413 days” and inserting the phrase “7 days” in its place.

414 (iv) Paragraph (4) is amended by striking the phrase “one business
415 day” and inserting the phrase “24 hours” in its place.

416 (10) The amendatory section 1010(a)(2) is amended by striking the phrase
417 “available to any” and inserting the phrase “available to the Superior Court for the District of
418 Columbia, the Office of the Attorney General, and any” in its place.

419 Sec. 9. Fiscal impact statement.

420 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
421 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
422 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

423 Sec. 10. Effective date.

424 This act shall take effect following approval by the Mayor (or in the event of veto by the
425 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
426 90 days, as provided for emergency acts of the Council of the District of Columbia in section
427 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
428 D.C. Official Code § 1-204.12(a)).

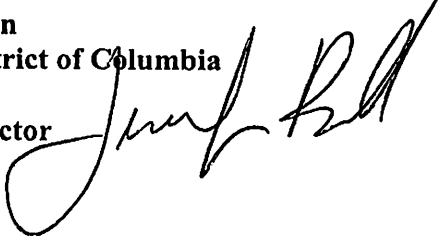
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff - Budget Director 

DATE: May 7, 2019

SHORT TITLE: "Firearms Safety Omnibus Clarification Emergency Amendment Act of 2019"

TYPE: Emergency/Temporary

REQUESTING OFFICE: Councilmember Charles Allen

Conclusion

This emergency/temporary does not have an impact on the District's budget or the financial plan, because there is no cost associated with implementing this legislation.

Background

This emergency/temporary makes the following clarifications to existing act¹:

- Allows the disclosure of mental health information for the purposes of requesting an extreme risk protection order;
- Requires the disclosure of mental health information to the Office of the Attorney General (OAG) in response to certain court orders, and empowering D.C. Superior Court judges to issue such orders;
- Broadens the court's ability to seal records related to petitions for extreme risk protection orders;
- Creates a specific rule for the computation of time;
- Removes the use of "business days";
- Clarifies that an *ex parte* extreme risk protection order remains in effect for only 14 days but can be extended for good cause shown;
- Requires that a hearing on a final extreme risk protection order be held within 14 days after the petition was filed;

¹ Firearms Safety Omnibus Amendment Act of 2018, effective January 30, 2019 (D.C. Act 22-620; 66 DCR 1672)

- Requires that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order;
- Clarifies the ability of D.C. Superior Court judges to issue a search warrant to accompany any extreme risk protection order;
- Allows the OAG to represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders and creating a process by which OAG can withdraw from that representation;
- Requires the Mayor or the Mayor's designee submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks; and
- Establishes a fare evasion civil fine schedule and enforcement system for violations of the Act to Regulate Public Conduct on Public Passenger Vehicles.

Analysis of Impact on Spending

This emergency/temporary has no impact on spending.

Analysis of Impact on Revenue


This emergency/temporary has no impact on revenue.



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MEMORANDUM

TO: Councilmember Charles Allen

FROM: Nicole L. Streeter, General Counsel 

DATE: May 7, 2019

RE: Legal sufficiency determination for Bill 23-XXX, the
Firearms Safety Omnibus Clarification Emergency
Amendment Act of 2019

The measure is legally and technically sufficient for Council consideration.

This bill would, on an emergency basis, amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order.

The bill would amend the Firearms Control Regulations Act of 1975 to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975.

The bill would amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain civil violations shall constitute pedestrian offenses to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978.

The bill would amend Title 18 of the District of Columbia Municipal Regulations to provide a schedule of fines for certain pedestrian offenses.

The bill would amend the Firearms Safety Omnibus Amendment Act of 2018 to:

- Require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration;
- Clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner;
- Broaden the court's ability to place records related to extreme risk protection orders under seal;
- Establish procedures for computing periods of time relating to an extreme risk protection order
- Provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders;
- Require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order;
- Require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed;
- Require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order;
- Modify the duration of ex parte extreme risk protection orders;
- Establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders;
- Add the Office of Attorney General and the Superior Court for the District of Columbia to the list of entities that shall receive from the Metropolitan Police Department information related to extreme risk protection orders; and
- Require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks.

I am available if you have any questions.