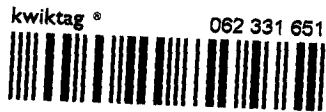


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 11- 270

"Anti-Loitering/Drug Free Zone 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. 11-441 on first and second readings, June 4, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 19, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-321, and published in the August 23, 1996, edition of the D.C. Register (Vol. 43 page 4493) and transmitted to Congress on January 10, 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 11-270, 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

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AN ACT

D.C. ACT 11-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 1996

*Codification
District of
Columbia
Code
1997 Supp.*

To authorize the Chief of the Metropolitan Police Department to determine and declare a drug enforcement zone and to prohibit the congregation of 2 or more persons on public space on public property, for the purpose of participating in the use, purchase, or sale of illegal drugs, within the perimeter of the drug enforcement zone.

*New
Subchapter
VIII,
Chapter 5,
Title 33*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Loitering/Drug Free Zone Act of 1996".

Sec. 2. Definitions.

For the purposes of this act, the term:

*New Section
33-581*

(1) "Chief of Police" means the Chief of the Metropolitan Police Department as the designated agent of the Mayor.

(2) "Disperse" means to depart from the designated drug free zone and not to reassemble within the drug free zone with anyone from the group ordered to depart for the duration of the zone.

(3) "Drug free zone" means public space on public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to section 3.

(4) "Illegal drug" means the same as the term "controlled substance" in the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501).

(5) "Police Department" means the Metropolitan Police Department.

Sec. 3. Procedure for establishing a drug free zone.

*New Section
33-582
Note, Section
4-107*

(a) The Chief of Police may declare any public area a drug free zone for a period not to exceed 120 consecutive hours. The Chief of Police shall inform each of the 7 Police District Commanders and the Council of the District of Columbia of the declaration of a drug free zone.

(b) In determining whether to designate a drug free zone, the Chief of Police shall consider the following:

(1) The occurrence of a disproportionately high number of arrests for the

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possession or distribution of illegal drugs in the proposed drug free zone within the preceding 6-month period;

(2) Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed drug free zone within the preceding 6-month period;

(3) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed drug free zone; and

(4) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed drug free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

Sec. 4. Notice of a drug free zone.

**New Section
33-583**

Upon the designation of a drug free zone, the Police Department shall mark each block within the drug free zone by using barriers, tape, or police officers that post the following information in the immediate area of, and borders around, the drug free zone:

(1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs;

(2) The boundaries of the drug free zone;

(3) A statement of the effective dates of the drug free zone designation; and

(4) Any other additional notice to inform the public of the drug free zone.

Sec. 5. Prohibition.

**New Section
33-584**

(a) It shall be unlawful for a person to congregate in a group of 2 or more persons in public space on public property within the perimeter of a drug free zone established pursuant to section 3 and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs.

(b) In making a determination that a person is congregating in a drug free zone for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) The conduct of a person being observed, including, but not limited to, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other

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conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;

(2) Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the drug free zone;

(3) Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug free zone;

(4) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity;

(5) Such person is a known unlawful drug user, possessor, or seller. For purposes of this act, the phrase a "known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession, or distribution of any of the substances referred to in Schedules I, II, III, IV, or V of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code §§ 33-514, 33-516, 33-518, 33-520, or 33-522); or is a person who displays physical characteristics of drug use, including, but not limited to, "needle tracks";

(6) Such person has no other apparent lawful reason for congregating in the drug free zone, such as waiting for a bus or being near one's own residence; and

(7) Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

Sec. 6. Penalties.

Any person who violates section 5 shall, upon conviction, be subject to a fine of not more than \$300, imprisonment for not more than 180 days, or both.

**New Section
33-585**

Sec. 7. Fiscal impact statement.

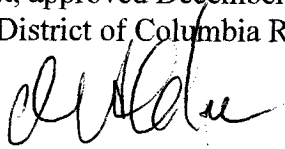
The Council finds that there will be a minimal fiscal impact, which the Metropolitan Police Department ("MPD") can absorb within the appropriated budget. Implementation of the drug free zones is left to the discretion of the MPD and the Council intends that the drug free zones shall be established in conjunction with the MPD's ongoing red zone program.

Sec. 8. Effective date.

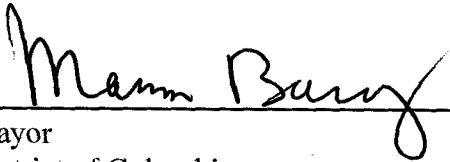
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility 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

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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: July 19, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-441

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 6-4-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT BRAZIL

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

July 11, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 7-3-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT CHAVOUS

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

July 11, 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