

ENROLLMENT(S)

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(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

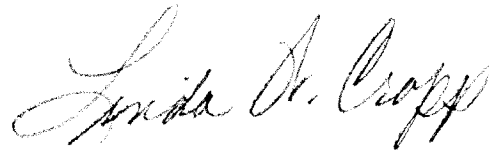
NOTICE

D.C. LAW 12-281

"Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-584, on first and second readings, July 30, 1998 and September 22, 1998, respectively. Following the signature of the Mayor on October 8, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-472 and it was published in the November 13, 1998 edition of the D.C. Register (Vol. 45 page 7991). The Act was transmitted to Congress on January 28, 1999 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 the Act is now D.C. Law 12-281, effective May 28, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19,20,21,22,26,27,28,29,30

May 3,4,5,6,10,11,12,13,14,17,18,19,20,24,25,26,27

AN ACT

D.C. ACT 12-472

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 8, 1998

To amend the Correctional Treatment Facility Act of 1996 to expand the definitions of "private correctional officer" and "private operator" to include any private prison facility housing inmates for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, to authorize the use of weapons by correctional officers employed by the operator of such private prison facilities, to authorize the registration of firearms by private operators, to provide procedures for the registration of these firearms, and to allow health professionals transferred from District government employment to employment by a private operator to continue to be licensed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Correctional Treatment Facility Firearms Registration and Health Occupations Licensing 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:

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 of Columbia 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 of Columbia."

(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 of Columbia or the United States to operate the Correctional Treatment Facility or any other prison facility housing inmates in the

ENROLLED ORIGINAL

District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons.”.

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

Section
24-495.2

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

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

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

"(3) While pursuing inmates assigned to the CTF or to 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 3(c) (D.C. Code § 24-495.2(c)) is amended by striking the word "contractor" and inserting the word "operator" in its place.

Section
24-495.2

(d) A new section 3a is added to read as follows:

New Section
24-495.2a

"Sec. 3a. Registration of firearms for private operator.

"(a) In order to register firearms, the private operator shall follow the following procedures:

"(1) To register for interim approval, the private operator shall provide the Chief of the Metropolitan Police Department ("Chief of Police") with the serial numbers and storage places of firearms in the private operator's possession in the District of Columbia. If the Chief of Police determines that the information provided is satisfactory, he or she shall issue interim approval to the private operator for the weapons identified and held in the private operator's possession. The interim approval shall be valid for 90 days, during which time the private operator shall complete the actions necessary to register for permanent approval.

"(2)(A) To register for permanent approval, the private operator shall provide the Chief of Police with the following information:

"(i) The names and such other identifying information as the Chief of Police may require, of all private correctional officers who will be authorized by the private operator to carry and use firearms in the course of their assigned duties;

"(ii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has received instructions about all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties;

"(iii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has successfully completed the training required by section 3(d); and

ENROLLED ORIGINAL

"(iv) A sworn affidavit signed by each private correctional officer authorized to carry and use firearms attesting that he or she has read and understands all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties.

"(B) The Chief of Police, upon determining that the information submitted in accordance with this paragraph is satisfactory, shall issue permanent registration approval to the private operator for the firearms in the private operator's possession in the District of Columbia.

"(b) A private operator who is issued firearms registration approval pursuant to this section shall be subject to the duties and revocation provisions set forth in sections 208 and 209 of the Firearms Control Regulation Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Code §§ 6-2318 and 6-2319), and other applicable rules and laws of the District of Columbia. A private operator shall notify the Chief of Police whenever any private correctional officer authorized to carry and use firearms leaves the private operator's employment at a facility in the District or otherwise ceases to be authorized to carry and use firearms.

"(c) Nothing in section 3 or this section shall be construed to allow any private correctional officer or any other person to remove any weapon registered to the private operator from the premises and grounds of the private operator's facility except in the performance of assigned duties and in accordance with laws and rules of the District and federal governments."

(e) A new section 3b is added to read as follows:

New Section
24-495.2b

"Section 3b. Health professionals transferring from District government employment to employment by a private operator.

"A health professional shall remain covered by section 104 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3301.4) if the following criteria are met:

"(1) The health professional is transferred from employment by the District government to employment by a private operator to perform essentially the same services as the person performed while employed by the District government and continues to perform such services for the duration of his or her employment by a private operator; and

"(2) The health professional is covered by section 104 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code 2-3301.4) ."

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

Section
24-495.3

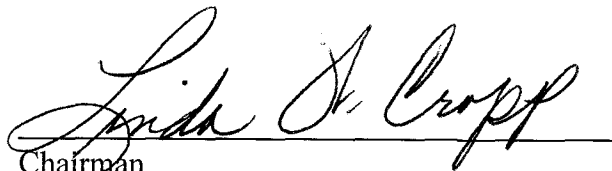
"(b) An inmate confined in any privately-operated prison facility established pursuant to Subtitle C of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (P.L. 105-33; 111 Stat. 712), shall be deemed to be at all times in the legal custody of the 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.

ENROLLED ORIGINAL

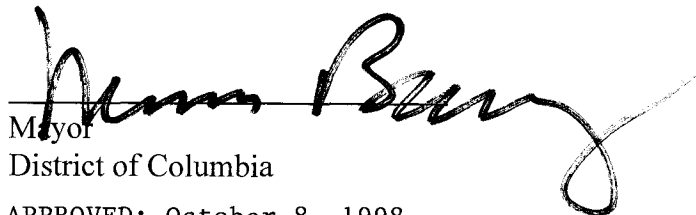
All laws and regulations governing conduct of inmates in Federal Bureau of Prisons facilities shall apply to inmates confined in any privately-operated prison facility during such time as the prison facility is operated by a private operator. All laws and regulations establishing penalties for offenses 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 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. Code § 1-233(c)(3)).

Sec. 4. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 8, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-584

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-30-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

CATANIA, SMITH AND THOMAS

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

Secretary to the Council

September 24, 1998 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON

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

Secretary to the Council

September 24, 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
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CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
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ENROLLED ORIGINAL

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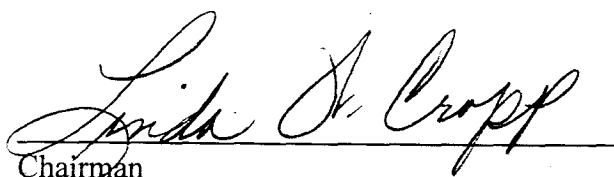
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ENROLLED ORIGINAL

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Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-584

Docket No.

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 7-30-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

CATANIA, SMITH AND THOMAS

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

Secretary to the Council

September 24, 1998 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 9-22-98

VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON

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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X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

September 24, 1998 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE RECORDED VOTE ON REQUEST

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Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
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Secretary to the Council

Date