

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend Chapter 1 of Title 23 of the District of Columbia Official Code to require a judge in a criminal proceeding to inform an individual being sentenced to a period of imprisonment of more than 30 days who is subject to a child support order of the possibility of petitioning for modification or suspension of child support payments during the period of imprisonment, to require the sentencing court to provide the individual with a *pro se* petition to modify the child support order that may be filed in open court at sentencing, and to require the Clerk of the Superior Court of the District of Columbia to effectuate service of the petition; to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to provide that a petition for modification of a child support order filed by an individual sentenced to a term of imprisonment may be adjudicated after the individual has been released from imprisonment, and to provide that a petition for modification of a child support order filed by an individual during sentencing at a criminal proceeding shall be deemed filed in the case in which the child support order was entered as of its filing in open court; to amend section 16-916.01 of the District of Columbia Official Code to require the District's IV-D agency to determine whether a parent's incarceration has resulted in a change of financial circumstances that would warrant a modification of a child support order, and, if so, to request that the court suspend or modify the child support order; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to exempt certain occupations from the restriction of being denied a license due to criminal conviction, and to establish procedures for determining whether an applicant may be denied a license because of a criminal conviction; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, to authorize a sentence reduction when an inmate has successfully completed a residential drug treatment program provided by the federal Bureau of Prisons; and to amend the Housing Production Trust Fund Act of 1988 to clarify that very-low income households that include individuals who previously have been incarcerated for or convicted of a felony are not disqualified from the category of households eligible to receive 40 percent of the fund for housing opportunities.

ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Public Safety Ex-Offender Self-Sufficiency Reform Amendment Act of 2004”.

TITLE I. MODIFYING CHILD SUPPPORT PAYMENT

Sec. 101. Short title.

This title may be cited as the “Child Support Payment Modification Amendment Act of 2004”.

Sec. 102. Chapter 1 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “23-112a. Notice at sentencing of child support modification.” after the phrase “23-112. Consecutive and concurrent sentences.”.

(b) A new section 23-112a is added to read as follows:

“§ 23-112a. Notice at sentencing of child support modification.

“(a) At all sentencing proceedings in which an individual will be sentenced for a period of imprisonment of more than 30 days, or at any proceeding in which a judge is revoking probation that will result in a sentence of imprisonment of more than 30 days, the sentencing court shall inquire as to whether the individual being sentenced is subject to a child support order. If the individual being sentenced is subject to a child support order, the sentencing court shall explain that:

“(1) The individual being sentenced may petition to modify or suspend child support payments during the period of the individual's imprisonment; and

“(2) Child support payments will continue to accrue under the order unless the order is modified or suspended.

“(b) The court shall provide each individual being sentenced with a copy of a *pro se* petition to modify the child support order pursuant to § 46-204. The petition may be filed in open court during sentencing. The petition shall be deemed filed in the case in which the child support order was entered as of its filing in open court, and the petition shall be included in the records of that case.

“(c) The clerk of the Court shall effectuate service of the petition in accordance with § 46-206.”.

Sec. 103. Section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-204), is amended by adding a new subsection (d) to read as follows:

“(d)(1) A petition for modification of a child support order filed pursuant to D.C. Official Code § 23-112a may be adjudicated after the petitioner has been released from imprisonment.

New
§ 23-112a

Amend
§ 46-204

“(2) A petition for modification of a child support order filed pursuant to D.C. Official Code § 23-112a(b) shall be deemed filed as of the date the petition is filed in open court during sentencing at a criminal proceeding.”.

Sec. 104. Section 16-916.01(o) of the District of Columbia Official Code is amended by adding a new paragraph (3A) to read as follows:

Amend
§ 16-916.01

“(3A) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility, the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent’s incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a request, the court shall modify the support order in accordance with the guideline. The court may modify the support order from the date on which the IV-D agency received notice under this paragraph of the parent’s incarceration.”.

TITLE II. EXEMPTING TRADE OCCUPATIONS FROM CONVICTION RESTRICTION ON LICENSURE

Sec. 201. Short title.

This title may be cited as the “Trade Occupations Exemption from Conviction Restriction on Licensure Act of 2004”.

Sec. 202. Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.12 (a)(1) is amended to read as follows:

Amend
§ 47-2853.12

“(1) Has not been convicted of an offense which bears directly on the fitness of the person to be licensed; provided, that this restriction shall not apply to the following occupations, unless the Mayor has issued rules before the effective date of the Trade Occupations Exemption from Conviction Restriction on Licensure Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-712), specifying the criteria for the determination of fitness for licensure based on a specific offense committed by an applicant:

- “(A) Asbestos worker;
- “(B) Barber;
- “(C) Cosmetologist;
- “(D) Commercial bicycle operator;
- “(E) Electrician;
- “(F) Funeral director;
- “(G) Operating engineer;

“(H) Plumber/gasfitter;

“(I) Refrigeration and air conditioning mechanic; and

“(J) Steam engineer.”.

(b) Section 47-2853.17 is amended as follows:

Amend
§ 47-2853.17

(1) Subsection (a)(5) is amended to read as follows:

“(5) Has been convicted in any jurisdiction of any crime involving any offense that bears directly on the fitness of the person to be licensed; provided, that this restriction shall not apply to the following occupations, unless the Mayor has issued rules before the effective date of the Trade Occupations Exemption from Conviction Restriction on Licensure Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-712), specifying the criteria for the determination of fitness for licensure based on a specific offense committed by an applicant:

“(A) Asbestos worker;

“(B) Barber;

“(C) Cosmetologist;

“(D) Commercial bicycle operator;

“(E) Electrician;

“(F) Funeral director;

“(G) Operating engineer;

“(H) Plumber/gasfitter;

“(I) Refrigeration and air conditioning mechanic; and

“(J) Steam engineer.”.

(2) New subsections (c-1) and (c-2) are added to read as follows:

“(c-1) An applicant may be denied a license or certificate by reason of a conviction which bears directly on the fitness of the person to be licensed only after consideration by the Mayor of the following criteria:

“(1) The specific duties and responsibilities necessarily related to the license sought;

“(2) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more of the duties or responsibilities specified under paragraph (1) of this subsection;

“(3) The time that has elapsed since the occurrence of the criminal offense or offenses;

“(4) The age of the applicant at the time of occurrence of the criminal offense or offenses;

“(5) The seriousness of the criminal offense or offenses;

“(6) Any information produced by the applicant, or produced on his behalf, in regard to his rehabilitation and good conduct; and

“(7) The legitimate interest in protecting property, and the safety and welfare of specific individuals or the general public.

“(c-2) If a conviction of a criminal offense which bears directly on the fitness of the person to be licensed is the basis for denial of an application for a license or certificate under subsection (c) of this section, the denial shall be in writing and specifically state the evidence presented and reasons for the denial. A copy of the denial shall be provided to the applicant.”.

TITLE III. EARLY RELEASE FOR COMPLETION OF RESIDENTIAL DRUG ABUSE TREATMENT PROGRAM

Sec. 301. Short title.

This title may be cited as the “Early Release for Completion of Residential Drug Abuse Treatment Program Amendment Act of 2004”.

Sec. 302. Section 3a of An Act To Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, effective October 10, 1998 (D.C. Law 12-165; D.C. Official Code § 24-403.01), is amended by adding a new subsection (d-1) to read as follows:

Amend
§ 24-403.01

“(d-1)(1) A person sentenced to imprisonment under this section for a nonviolent offense may receive up to a one-year reduction in the term the person must otherwise serve if the person successfully completes a substance abuse treatment program in accordance with 18 U.S.C. § 3621(e)(2).

“(2) For the purposes of this subsection, the term “nonviolent offense” means any crime other than those included within the definition of “crime of violence” in D.C. Official Code § 23-1331(4).”.

TITLE IV. AFFORDABLE HOUSING FOR EX-OFFENDERS

Sec. 401. Short title.

This title may be cited as the “Affordable Housing for Ex-Offenders Amendment Act of 2004”.

Sec. 402. Section 3(b-1)(A) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b-1)(A)), is amended by striking the phrase “very low-income households,” and inserting the phrase “very low-income households, which includes individuals who have previously been incarcerated for or convicted of a felony under state or federal law and who are otherwise entitled to services and assistance pursuant to this act,” in its place.

Amend
§ 42-2802

TITLE V. FISCAL IMPACT STATEMENT

Sec. 501. 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. Official Code § 1-206.02(c)(3)).

TITLE VI. EFFECTIVE DATE

Sec. 601. 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), 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. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia