

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of  
Columbia  
Official Code*

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To authorize the Chief of Police to declare areas around public schools a school safe passage emergency zone for a period not to exceed 5 consecutive school days and to establish a criminal offense for persons who are congregating within such a zone for purposes of assault-related offenses, crimes of violence, or dangerous crimes and fail to disperse after being ordered to do so; and to amend the School Safety and Security Contracting Procedures Act of 2004 to include public charter schools within the purview of the Metropolitan Police Department's School Safety Division.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Safe Passage Emergency Zone Amendment Act of 2010".

TITLE I

Sec. 101. School safe passage emergency zones.

(a) For the purposes of this section, the term:

(1) "Assault-related offense" means a crime or offense established in sections 803, 804, 805, 806, 806a, and 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §§ 22-401, 22-402, 22-403, 22-404, 22-404.01, and 22-406); An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407); and section 106 of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-851).

(2) "Chief of Police" means the Chief of the Metropolitan Police Department.

(3) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

(4) "Dangerous crime" shall have the same meaning as provided in D.C. Official Code § 23-1331(3).

(5) "Disperse" means to depart from the designated school safe passage emergency zone and not to reassemble within the zone with anyone from the group ordered to depart.

(6) "Known violent or dangerous offender" means a person who has, within the

knowledge of the arresting officer, been convicted, or adjudicated delinquent, in any court of any violation involving an assault-related offense, a crime of violence, or a dangerous crime.

(7) "MPD" means the Metropolitan Police Department.

(8) "School day" means 7:00 a.m. until 9:00 p.m. Monday through Friday.

(b) The Chief of Police may declare any area within 1,000 feet of the perimeter of the grounds of a District of Columbia public school or public charter school or within 300 feet of the boundary of the area affecting passage between the school and proximate public transportation a school safe passage emergency zone during a school day for a period not to exceed 5 consecutive school days when the school is in session. The Chief of Police shall inform his or her commanders, the Mayor, and the Council of the declaration of a school safe passage emergency zone and explain the basis for it pursuant to subsection (c) of this section.

(c) In determining whether to designate a school safe passage emergency zone, the Chief of Police shall find the following:

(1) The occurrence of a disproportionately high number of incidences of assault-related offenses, crimes of violence, or dangerous crimes committed in the proposed school safe passage emergency zone within the preceding 2-week period;

(2) Objective or verifiable information that shows that disproportionately high incidences of assault-related offenses, crimes of violence, or dangerous crimes are occurring on public space or public property within the proposed school safe passage emergency zone; or

(3) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of students or employees of or visitors to public school facilities are endangered by assault-related offenses, crimes of violence, or dangerous crimes in the school safe passage emergency zone.

(d) Upon the designation of a school safe passage emergency zone, the MPD shall mark each block within the school safe passage emergency zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the school safe passage emergency zone:

(1) A statement that it is unlawful for a person to congregate in a group of 3 or more persons for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime within the boundaries of a school safe passage emergency zone, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime;

(2) The boundaries of the school safe passage emergency zone;

(3) A statement of the effective dates and hours of the school safe passage emergency zone designation; and

(4) Any additional information the Chief of Police considers appropriate.

(e)(1) It shall be unlawful for a person to congregate in a group of 3 or more persons on public space or public property within a school safe passage emergency zone established

pursuant to subsection (b) of this section for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime.

(2) In making a determination that a person is congregating in a school safe passage emergency zone for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining purpose are:

(A) Conduct of the person being observed indicating that the person is engaging in or is about to engage in an assault-related offense, a crime of violence, or a dangerous crime;

(B) Information from a reliable source indicating that the person being observed is engaging in or about to engage in an assault-related offense, a crime of violence, or a dangerous crime within the area currently designated as a school safe passage emergency zone;

(C) Whether the person is identified by an officer as a member of a gang or association which engages in assault-related offenses, crimes of violence, or dangerous crimes; and

(D) Whether the person is a known violent or dangerous offender.

(f) Any person who violates this section shall, upon conviction, be subject to a fine of not more than \$300, or imprisonment for not more than 6 months.

(g) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute all violations of this section.

TITLE II

Sec. 201. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

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

“(2A) “Public charter schools” shall have the same meaning as provided in section 2002(29) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321 [226]; D.C. Official Code § 38-1800.02(29)).”.

(2) Paragraph (3) is amended as follows:

(A) The lead-in language is amended to read as follows:

“(3) “School resource officer” means a sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:”.

(B) Subparagraph (C) is amended by striking the phrase “DCPS schools

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and grounds” and inserting the phrase “DCPS schools and grounds and public charter schools and their grounds” in its place.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

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

“(2)(A) Deploy school security personnel to DCPS; and

“(B) Deploy school resource officers to public charter schools;”.

(2) Subsection (d) is amended as follows:

(A) The first sentence of paragraph (1) is amended to read as follows:

“The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools’ property.”.

(B) Paragraph(2)(B) is amended by striking the phrase “DCPS property” and inserting the phrase “DCPS and public charter schools property” in its place.

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### TITLE III

Sec. 301. Fiscal impact statement.

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 IV

Sec. 401. 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), 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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia