

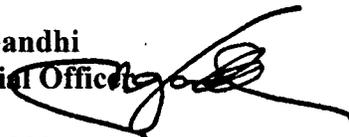
**Government of the District of Columbia  
Office of the Chief Financial Officer**



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** January 13, 2009

**SUBJECT:** Fiscal Impact Statement: "Omnibus Anti-Crime Amendment Act of 2009"

**REFERENCE:** Draft - No Bill Number Available

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**Conclusion**

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation.

**Background**

The proposed legislation contains numerous provisions intended to increase public safety and combat crime in the District of Columbia. The proposed bill amends laws relating to stalking, gangs, witness protection, information that can be disclosed to the public, intra-family offenses, physician-patient privileges, DNA collection for convicted defendants, guns, violent crime, alcohol, and drugs, among other minor and procedural changes to existing laws.

Below is a topic-by-topic summary of the proposed bill.

Guns:

- Establishes a registry requiring gun law offenders to register with the Metropolitan Police Department and periodically verify their information.
- Creates the offense of possessing a firearm in a motor vehicle.
- Increases the penalty for a felon in possession of a firearm to a mandatory minimum of two years, or five years if previously convicted of a violent crime.

- Amends the pre-trial release law so that probable cause for the arrest of certain dangerous and violent offenses will support a finding of dangerousness for pre-trial detention. Adds felon-in-possession of a firearm and carrying a pistol without a license to the list of offenses where there is a rebuttable presumption of dangerousness.

#### Violent Crime and Gangs:

- Creates the new charge of use of a stolen vehicle to commit crime of violence with a minimum penalty of five years.
- Amends the definition of criminal street gangs and creates a mechanism so that civil actions may be brought to enjoin gangs and gang members from engaging in activities which create a public nuisance.
- Increases the penalty for criminal conspiracies to commit violent crimes from 5 years for all conspiracies to the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.
- Revises "assault with intent" statute to simplify elements of the crime and instructions to jury.

#### Victim/Witness:

- Prohibits disclosure of the names and addresses of victims of certain crimes on police reports, including domestic crimes, violent crimes, stalking, and threats.
- Allows members of the public to request police reports that otherwise may be confidential and establishes standards for the police chief to use when reviewing such requests.
- Adds retaliatory threats (threats to injure; now just says "injure") to obstruction of justice statute.

#### DNA:

- Expands list of DNA sample offenses (crimes for which convicted defendants have to give DNA samples) from the current list of violent and serious felonies to all felonies.

#### Alcohol and Drugs:

- Amends DWI, DUI, and OWI offender laws to change the timing period of enhancement penalties for subsequent convictions from 15 years between convictions to 15 years between a prior conviction and subsequent offense.
- Enumerates fresh Cathinone ("Khat") as a Schedule I drug.

#### Procedural:

- Defines "daylight" in the warrant statute as 6 a.m. to 11 p.m. (currently it is not defined and special permission is required to serve warrants after sundown).
- Expands arrests without warrant offenses (offenses where officer can arrest based on probable cause when officer has not actually witnessed crime) to include destruction of property and voyeurism.
- Makes unlawful entry a non-jury demandable offense.
- Requires hospital health care providers to take blood from suspected drunk drivers and gives providers immunity for doing so (hospitals say they have no authority right now).
- Amends detention hearing statute to allow postponement on New Years Day, Christmas Day and Thanksgiving.

- Expands mandatory HIV testing for criminal defendants to require testing at any time after a preliminary hearing (currently only mandated for those convicted of crimes for which victim is at risk of contracting HIV).

Privileges:

- Amends marital privilege law to prohibit claim of privilege by a spouse accused of domestic violence or other criminal offense prior to the marriage.
- Expands exceptions to physician patient privilege so evidence can be used in proceedings beyond criminal (as provided in current law) to include grand jury, delinquency, domestic violence, civil fraud and specific violent crimes prosecutions.

Statutory revisions:

- Revises consent defense definition in sexual assault statute.
- Revises identity theft and theft statutes to include broader scope of conduct consistent with modern criminal practices in these areas.
- Revises stalking laws to clarify current law and makes other legal and technical changes to District stalking laws.
- Adds a penalty for false reports of abuse to CFSA (is already illegal but has no penalty).

**Financial Plan Impact**

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation.

District agencies, including the Metropolitan Police Department (MPD) and the Office of the Attorney General (OAG), could absorb the impact of implementing the provisions of the proposed bill with existing resources. The intent of the proposed bill, in part, is to provide for greater administrative efficiencies in MPD and OAG. While these may be realized, any cost savings associated with them, if any, cannot be reliably estimated at this time.

By enumerating Cathinone ("Khat") as a Schedule I drug, the proposed legislation would reduce the tax revenue collected on the sales of Khat, which is currently traded without any restrictions. The negative revenue impact associated with this change is expected to be minimal and could be absorbed in the budget and financial plan.