

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



The Office of the General Counsel

MEMORANDUM

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

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: June 15, 2009

SUBJECT: Fiscal Impact Statement: "Summer of 2009 Crime Prevention
Emergency Amendment Act of 2009"

REFERENCE: Draft - No Bill Number Available

Conclusion

Funds are sufficient the FY 2009 budget and the proposed FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed emergency 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 gangs, theft, guns, and pre-trial detention. Below is a topic-by-topic summary of the proposed bill.

Gangs

- 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.

Guns and Violent Crimes

- Broadens the scope of who is prohibited from owning or having a firearm in their possession.
- Creates a mandatory minimum term of imprisonment of five years for possession of a firearm by felons previously convicted of a violent crime.

- Expands the definition of violent crime to include a crime defined as a crime of violence in other jurisdictions.
- Amends the pre-trial release law so that probable cause for the arrest of certain dangerous and violent offenses would support a finding of dangerousness for pre-trial detention.
- Adds carrying a rifle or shotgun, possession of a firearm during the commission of a crime of violence or dangerous crime, and unlawful possession of a firearm to the list of offenses where there is a rebuttable presumption of dangerousness.
- Requires gun law offenders to register with the Metropolitan Police Department and periodically verify their information; and creates penalties for gun law offenders who fail to comply with the registration program.
- Creates the offense of voluntarily and knowingly being in a motor vehicle which contains a firearm that is not being lawfully carried or lawfully transported, as well as penalties for its violation.

Theft and Obstruction of Justice

- Amends the D.C. Theft and White Collar Crimes Act of 1982¹ to create the new charge of use of a stolen vehicle to a commit crime of violence, as well as penalties for its violation.
- Adds retaliatory threats (threats to injure; now just says "injure") to the obstruction of justice statute.

Financial Plan Impact

Funds are sufficient in the FY 2009 budget and the proposed FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed legislation. District agencies, including the Metropolitan Police Department and the Office of the Attorney General, could absorb the impact of implementing the provisions of the proposed bill with existing resources.

¹ Effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-32-01 *et seq.*)