


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



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** November 23, 2020

**SUBJECT:** Fiscal Impact Statement – Omnibus Public Safety and Justice  
Amendment Act of 2020

**REFERENCE:** Bill 23-127, Draft Committee Print as provided to the Office of Revenue  
Analysis on November 22, 2020

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**Conclusion**

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill's implementation will cost \$270,000 in fiscal year 2021 and approximately \$1.7 million over the four-year financial plan period. These costs impact the Department of Health (DOH) and the Office of Victims Services and Justice Grants (OVSJG) under Title VI and Title XI. The OVSJG provision in Title VI and the entirety of Title XI are subject to the required resources being included in an approved budget and financial plan.

The remaining titles in the bill have no costs or costs that can be absorbed by the relevant agencies and can be implemented beginning on the bill's effective date.

**Background**

**Title I. Firearms Safety Omnibus Clarification**

The bill makes permanent several firearms safety-related statutory amendments that are currently in effect under temporary legislation.

The District approved extreme risk protection orders (ERPO)<sup>1</sup> whereby certain individuals<sup>2</sup> can petition the Superior Court of the District of Columbia for an order to remove firearms from the possession of a person who is at risk of harming themselves or others. The bill allows mental health professionals to disclose mental health information when necessary to obtain an ERPO.<sup>3</sup> The bill further requires that mental health information be disclosed to the Attorney General when conducting a search of a person's mental health status prior to a hearing for a final ERPO. The bill ensures that the Attorney General reviews a respondent's firearms eligibility during the review of the petition for a final ERPO hearing. The bill eliminates a requirement that a petitioner for a final ERPO provide exhibits, affidavits, and supporting documents when submitting the petition, but allows the court to consider those items with other evidence when determining to issue a final or ex parte ERPO. The bill authorizes the Attorney General to intervene in a final ERPO case on behalf of the District of Columbia until the court denies the petition, the court terminates the final ERPO, or the Attorney General withdraws from the case. The bill clarifies that the court can place any records or proceedings related to an ERPO under seal if good cause is shown.<sup>4</sup> The bill establishes a clear computation of timelines related to ERPOs whether specified in weeks, days or longer or specified in hours. The bill extends from 10 days to 14 days the amount of time that the court has to hold an ERPO hearing and extends from five days to seven days the number of days prior to the hearing that the Metropolitan Police Department (MPD) has to serve notice to the respondent. The bill allows the court to consider the unlawful or reckless use of any weapon, in addition to a firearm, when considering the issuance of an ex parte ERPO, renewing an ERPO, or terminating an ERPO. The bill amends some of the required elements of an ex parte ERPO. The bill extends the term of an ex parte ERPO from 10 days to 14 days and allows the court to extend the ERPO in 14-day increments after a showing of good cause. The bill adjusts the time frames that the court has to submit an ERPO or an ERPO termination order to MPD, that MPD has to attempt service on the respondent or petitioner, and that MPD has to prove to the court that service has been made. The bill requires MPD to serve notice of an ERPO renewal request and hearing 21 days prior to the hearing, rather than 14 days. The bill requires MPD to serve notice to the respondent, in addition to the petitioner, when an ERPO has been terminated and allows for MPD to serve notice personally at the hearing where the ERPO was terminated in lieu of any other service requirements. The bill requires MPD to provide the courts and the Attorney General with ERPO status information, upon request, and the Mayor, as opposed to the court, to submit information on ERPOs into the National Instant Criminal Background Check System.

The bill allows the court to issue a search warrant for the search of any place, object or person relevant to the issued ERPO. The bill establishes the required content of the warrant, the procedures that must be followed to execute the warrant, and the requirements around safekeeping and release of seized property.

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<sup>1</sup> Firearms Safety Omnibus Amendment Act of 2018, effective May 10, 2019 (D.C. Law 22-314; D.C. Official Code § 7-2510.01 et seq.).

<sup>2</sup> Petitioners include members of the Metropolitan Police Department, individuals related to or otherwise connected to the at-risk person, and mental health professionals.

<sup>3</sup> Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, effective August 6, 2020 (D.C. Law 23-123; 67 DCR 11309).

<sup>4</sup> This can only be done under current law if the petitioner or respondent request it while the petition is pending.

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The bill also establishes an Extreme Risk Protection Order Implementation Working Group (working group). The working group should include 13 District government members or their designees and over ten members from community organizations focused on gun violence prevention, safety, and health, including one representative from each of the District's violence interrupter contractors. The working group should focus on how to raise awareness of ERPOs, improve coordination between the District and federal agencies, facilitate education among behavioral and mental health professionals, enhance ERPO policies and rules, and incorporate ERPO best practices. The bill dissolves the working group on January 1, 2023.

Current law also requires the Attorney General to respond to the petition of a person who has been disqualified from registering a firearm in the District within 60 days of a request for response from the court. The bill requires that mental health information be released to the Attorney General when responding to the petition, that the Attorney General consider the person's firearms history in their response, and gives the Attorney General the opportunity to show good cause and receive 30-day extensions as necessary. The bill also disqualifies an individual from registering a firearm in the District if they are subject to an ex parte ERPO.

The bill imposes a 45-day Council review period for firearms related rules issued by the Chief of Police. If Council does not act upon the rules within 45 days, they will be deemed approved.

## Title II. Ghost Guns Prohibition

The bill makes permanent prohibitions for ghost guns that are currently in effect on a temporary basis.<sup>5</sup> The bill prohibits the District from issuing a firearms registration certificate for ghost guns. The bill defines ghost guns as a firearm that, after the removal of all parts except the receiver,<sup>6</sup> cannot be detected by a metal detector that is calibrated and operated to detect the security exemplar<sup>7</sup> or does not accurately generate an image of the prohibited component in a commonly used detection device at secure federal government buildings and airports. Ghost guns also include unfinished frames or receivers.<sup>8</sup>

The bill also prohibits any individual's possession, sale, transfer, or use of a ghost gun in the District.

## Title III. Financial Exploitation of Vulnerable Adults and the Elderly

Current law<sup>9</sup> permits certain physicians and mental health professionals to disclose confidential patient information without their client's consent if it is evidence in a grand jury, criminal,

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<sup>5</sup> Ghost Guns Prohibition Temporary Amendment Act of 2020, effective July 30, 2020 (D.C. Law 23-125; 67 DCR 9347).

<sup>6</sup> The receiver is the part of the firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism.

<sup>7</sup> Security exemplar is defined as an object constructed of 3.7 ounces of 17-4 PH stainless steel in a shape resembling a handgun and is suitable for testing and calibrating metal detectors.

<sup>8</sup> As defined in the bill, this is a frame or receiver of a firearm that is not yet a component part of a firearm, but can be readily made into an operable frame or receiver.

<sup>9</sup> D.C. Official Code § 14-307(b)(4).

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delinquency, or civil proceeding where the person has defrauded the District or federal government under the District's medical assistance program or defrauded a health care benefit program. The bill extends this permission to cases where a person has financially exploited a vulnerable adult or elderly person.

The bill expands the Attorney General's civil enforcement authority as it relates to the financial exploitation of a vulnerable adult or elderly person. The bill allows the Attorney General, bringing a case in the name of the District, to seek an injunction; restitution; attorney's fees; revocation of District-issued permits, licenses, registrations, and certificates;<sup>10</sup> and civil penalties up to \$10,000<sup>11</sup> per violation. The bill allows the Attorney General to bring civil action with or without a corresponding criminal action. The Attorney General is not required to prove damages and must meet the burden of proof by a preponderance of the evidence.

#### Title IV. Sexual Assault Victims' Rights

In 2019,<sup>12</sup> the District approved an expansion to the District's DC Sexual Assault Nurse Examiner Program (DC SANE Program) to include the creation of a DC Child and Adolescent Sexual Assault Nurse Examiner Program (DC CASANE Program). The DC CASANE Program provides sexual assault victims' protections to persons aged 13 to 17 years old. The law requires all advocates to meet certain training<sup>13</sup> requirements to be a sexual assault counselor, sexual assault victim advocate, or a sexual assault child and adolescent victim advocate.

The law also expands the rights and processing requirements around Physical Evidence Recovery Kits (PERK). The Metropolitan Police Department (MPD) must provide a victim with status and results updates for a PERK. The Department of Forensic Sciences (DFS) is given additional time to process PERKs that are subject to consumption litigation and the ability to work with outside laboratories to process PERKs.

The law expands the reporting and communication requirements imposed on counselors, hospitals, and MPD when interacting with sexual assault victims. The law enhances the Sexual Assault Response Team's role and case review activities.

The law implements these changes beginning on October 1, 2020. The bill, however, delays the implementation of these provisions by three months to begin on January 1, 2021. This delay is currently in effect on an emergency basis.<sup>14</sup>

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<sup>10</sup> The bill makes these revocations effective upon a court judgment.

<sup>11</sup> Current law authorizes a civil penalty of up to \$5,000.

<sup>12</sup> Sexual Assault Victims' Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; D.C. Official Code § 4-507 et seq.).

<sup>13</sup> Trainings are provided by the Office of Victim Services and Justice Grants or an approved community organization.

<sup>14</sup> Sexual Assault Victims' Rights Clarification Emergency Amendment Act of 2020, enacted October 14, 2020 (D.C. Act 23-412; 67 DCR 12237).

#### Title V. Department of Forensic Sciences Services and Fees Clarification

The Department of Forensic Sciences (DFS) leads the District's collection, examination, and reporting activities for physical evidence collected from criminal investigations and testing of toxins, organisms, and other public health threats. DFS can perform these activities for both District and federal agencies. In fiscal year 2018, the Council granted DFS the authority to charge fees for performing environmental testing services and providing expert witness testimony.

The subtitle expands DFS' duties to include public health laboratory services for the District generally, at the request of District agencies, other governmental jurisdictions, hospitals, or other health-related entities. The subtitle authorizes DFS to charge fees for these public health laboratory services and to deposit them into the Department of Forensic Sciences Laboratory Fund.<sup>15</sup>

#### Title VI. Comprehensive Youth Justice Amendments

If an individual committed certain crimes before their 18<sup>th</sup> birthday, current law provides that the court can modify the sentence if the individual has served at least fifteen years and the court determines that the individual is no longer a danger to society.<sup>16</sup> An individual can present additional testimony, examinations, or evidence in support of a modified sentence. The bill expands the sentence modification opportunity to individuals who committed their offense prior to their 25<sup>th</sup> birthday. The bill allows the court to consider any records relating to the underlying offense and the fact that individuals under 25 years of age, in addition to juveniles, may have diminished culpability as compared to adults. The bill requires the court to prioritize applications from individuals aged between 18 and 24 years based on the length of the applicant's incarceration, starting with the longest terms. Any proceedings initiated or pending prior to the bill's effective date are subject to most recently approved parameters for sentence modification.<sup>17</sup> Current law allows an inmate to petition the court to be transferred from a BOP facility to a DOC facility while a sentence modification petition is being considered. The bill prohibits an inmate from requesting this transfer during a public health emergency.

The bill allows a government workforce development program to waive the District residency requirement for any individual that has received a sentence modification.

The bill establishes a grant to be issued by the Office of Victim Services and Justice Grants (OVSJG) to an organization that provides advocacy, case management, and legal services to support restorative justice practices. The grant, which should begin in fiscal year 2022, should be for \$200,000 annually.

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<sup>15</sup> Department of Forensic Sciences Establishment Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 5-1501.06a).

<sup>16</sup> Incarceration Reduction Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03).

<sup>17</sup> Omnibus Public Safety and Justice Amendment Act of 2018, effective May 10, 2019 (D.C. Law 22-313; D.C. Official Code § 24-403.03).

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### Title VII. Investigating Maternal Mortalities

The Office of the Chief Medical Examiner (OCME) is required to investigate certain deaths that occur in the District, including violent deaths, unexplained deaths, those that occur under suspicious circumstances, deaths related to diseases that are potential threats to public health, and others specified in District law.<sup>18</sup> When deaths occur, they are referred to OCME's forensic investigations unit and then, if necessary, referred to an OCME physician for further examination.

The bill expands OCME's required death investigations to include all maternal mortalities. The bill defines maternal mortalities as both deaths that are pregnancy-associated or -related and those resulting from severe maternal morbidity.<sup>19</sup>

These expansions are currently in effect under temporary legislation.<sup>20</sup>

### Title VIII. Fire and Emergency Medical Services Department Command Staff

The bill establishes that the Chief of the Fire and Emergency Medical Services Department can recommend criteria to the Mayor for the career service promotions and executive service appointments to the position of Assistant Fire Chief, in addition to the positions of Battalion Fire Chief and Deputy Fire Chief, as is currently established. The bill also authorizes the Mayor to return or demote any member appointed under the established criteria back to the rank from which they were promoted, or to the rank of Captain.

### Title IX. Criminal Justice Coordinating Council Amendments

The Criminal Justice Coordinating Council (CJCC) is an independent District agency that facilitates changes and promotes continuous improvements throughout the District's various juvenile and criminal justice systems. CJCC is required to submit a report to the Mayor and the Council every two years with an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth.

The bill requires a variety of District agencies that interact with the District's youth to provide certain enumerated information and data to CJCC to assist in the preparation of its biennial report, including authorizing health and human services agencies to disclose information in support of the report. These agencies include the Office of the State Superintendent of Education, the Department of Health Care Finance, the Department of Human Services, and the Child and Family Services Agency. The bill also moves the date of the first biennial report to October 1, 2020 from October 1, 2018.

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<sup>18</sup> Establishment of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1405).

<sup>19</sup> Severe maternal morbidity is an outcome of labor and delivery that has short- or long-term consequences to a woman's health. This can include, but is not limited to, acute renal failure, amniotic fluid embolism, aneurysm, cardiac arrest, eclampsia, heart failure, sepsis, or temporary tracheostomy.

<sup>20</sup> Investigating Maternal Mortalities Temporary Amendment Act of 2020, effective October 20, 2020 (D.C. Law 23-141; 67 DCR 13206).

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These data sharing authorizations are currently in effect under emergency legislation.<sup>21</sup>

#### Title X. Quorum and Reporting Clarification

The Comprehensive Homicide Elimination Strategy Task Force (task force) is a task force of 20 members developing successful violence prevention and intervention strategies to eliminate homicides in the District. The task force was required to hold three public meetings and submit a report by June 1, 2019.

The bill establishes a quorum for task force meetings of one-third of the 20 members and establishes a new report deadline of June 1, 2021. The quorum establishment and a shorter deadline of June 1, 2020 are currently in effect under temporary legislation.<sup>22</sup>

#### Title XI. Correctional Treatment Facility Health Inspections Expansion

The Department of Health (DOH) is required to conduct at least three annual environmental conditions inspections at the Department of Corrections' (DOC) Central Detention Facility. DOH must submit copies of each inspection to the Mayor and the Council within 30 days of the inspection.

The bill expands the DOH inspection requirement to include DOC's Correctional Treatment Facility.

#### Title XII. Good Time Credits Reform and Local Compassionate Release

Individuals in the custody of the Department of Corrections (DOC) who are sentenced for a misdemeanor offense can earn good time credits for complying with institutional rules or participating in rehabilitation programs, work details, special projects, or educational programs. Good time credits can be earned to reduce an individual's sentence. During the public health emergency, DOC was granted discretion to award additional credits beyond those authorized under law to assist in the early release of misdemeanants.<sup>23</sup> The bill grants this authority to DOC on a permanent basis, regardless of whether a public health emergency exists.

Individuals in the custody of the federal Bureau of Prisons (BOP) can also receive up to 54 days of good time credits for federal offenses and District felonies, if the District felony occurred on or after August 5, 2000. During the public health emergency, the District expanded the opportunity for District inmates in BOP custody to also receive up to 54 days of good times credits if the offense was committed prior to August 5, 2000.<sup>24</sup> The bill makes this expansion permanent.

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<sup>21</sup> Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2020, enacted August 13, 2020 (D.C. Act 23-393; 67 DCR 9902).

<sup>22</sup> Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, effective August 6, 2020 (D.C. Law 23-123; 67 DCR 11309).

<sup>23</sup> Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; D.C. Official Code § 24-221.01c(c)).

<sup>24</sup> D.C. Official Code § 24-403.01.

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The bill requires DOC to work with the Attorney General, OVSJG, and the Office of the United States Attorney for the District of Columbia to engage advocacy and legal services organizations focused on crime survivors' rights. Working together, these agencies and advocates should explore enhancements to the process for notifying survivors of an inmate's release.

The bill establishes compassionate release guidelines for felony offenders sentenced under District laws. An inmate can be granted compassionate release if the court determines that they are no longer a danger to society, have shown evidence of rehabilitation, and meet certain health, age, and time-served criteria.<sup>25</sup> The bill allows a motion for compassionate release to be brought by the United States Attorney's Office, BOP, the United States Parole Commission, or the defendant.

### Title XIII. Alternate Service of Process

The bill creates an alternative service of process method for a plaintiff involved in a motor vehicle collision with a District resident<sup>26</sup> (defendant) when the defendant's insurance provider is known, but the defendant themselves cannot be located. After providing the court with an affidavit showing the plaintiff made a good faith effort to personally service process on the defendant, but was unsuccessful, the court can authorize an alternative service method, including service upon the defendant's insurance company, the attorney retained by the insurance company, or the insurance company's claims adjuster.

### Title XIV. Office of Administrative Hearings Jurisdiction Conforming Amendment

In 2018, the Council decriminalized fare evasion on public and private passenger service, including bus and rail services operated by the Washington Metropolitan Area Transit Authority (WMATA).<sup>27</sup> The decriminalization action made fare evasion a civil infraction punishable by a \$50 fine. Council did not establish an adjudication process at the time it decriminalized fare evasion, but it has since assigned adjudication responsibilities to the Office of Administrative Hearings through a series of temporary legislative actions.<sup>28</sup>

The bill makes permanent that OAH is responsible for adjudicating these fare evasion tickets.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill's implementation will cost \$270,000 in fiscal year 2021 and approximately \$1.7 million over the four-year financial plan period.

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<sup>25</sup> Criteria include a terminal illness; 60 years of age and having served 20 years in prison; a debilitating medical condition; is elderly, has served 15 years or 75 percent of their term, and suffers from a chronic medical condition; and becomes the only viable caretaker for a child, spouse, or partner following the death or incapacitation of the primary caretaker, spouse, or partner.

<sup>26</sup> A resident includes both someone living in the District at the time of the collision or someone who moves to the District following the collision and is a resident at the time the service of process is sought.

<sup>27</sup> Fare Evasion Decriminalization Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-310; D.C. Official Code § 35-254(a)).

<sup>28</sup> The current assignment is established by D.C. Law 23-123.



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#### *Firearms Safety Omnibus Clarification*

The bill makes several changes to ERPOs, some of which are in effect under emergency or temporary legislation. These changes ensure that the courts and the Attorney General have access to relevant mental health information; clarify what information needs to be considered by the courts, considered by the Attorney General, and needs to be submitted by petitioners; authorize longer timeframes to both hold a hearing and to serve notice; and changes some ERPO related reporting responsibilities from the courts to the Mayor. The bill establishes clear search warrant and safekeeping procedures for the courts and MPD to follow. The bill also creates an ERPO working group to help create awareness about ERPOs and enhance coordination between the District and federal partners involved in ERPO processes. The Mayor and her executive level agencies, including MPD, and the Office of the Attorney General can absorb any costs associated with changes to ERPO processes or supporting the new working group within their existing budgeted resources.

The bill also amends the process and relevant facts to consider for the Attorney General when evaluating the petition of an individual who believes they have been unjustly disqualified from receiving a firearms license in the District. There are no costs associated with these changes.

#### *Ghost Guns Prohibition*

MPD can enforce the ghost gun prohibition with existing enforcement resources.

#### *Financial Exploitation of Vulnerable Adults and the Elderly*

The bill expands the Attorney General's authority to pursue civil action for the financial exploitation of a vulnerable adult or elderly person. The Office of the Attorney General can absorb the costs of pursuing civil action in these cases with its existing budgeted resources.

#### *Sexual Assault Victims' Rights*

The economic and public health challenges over the course of 2020 have delayed the District's and community organizations' ability to implement the law's changes. There are no costs associated with the bill's delay of the Sexual Assault Victim's Rights Amendment Act of 2019 changes from October 1, 2020 to January 1, 2021.

#### *Department of Forensic Sciences Services and Fees Clarification*

DFS has not established a fee schedule and therefore our office does not project any fee revenue from providing public health laboratory services. Once fees are established and collected, DFS will deposit them into the Department of Forensic Sciences Laboratory Fund.

#### *Comprehensive Youth Justice Amendments*

The bill expands the opportunity for a sentence modification to include inmates who committed their underlying offense while under the age of 25 who have served at least fifteen years of their sentence and meet other enumerated criteria. Currently, only inmates who committed their underlying offense while under the age of 18 can apply for a sentence modification under these conditions. The bill requires the courts to try to prioritize eligible applicants based on the length of time they have served. During the sentence modification review process at the courts, the inmate can petition for a transfer from their current BOP facility to a DOC facility. During a public health emergency, DOC is unable to

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accommodate a legislatively driven growth in residents at its facilities without opening and staffing additional rooms. DOC is unable to accommodate a transfer of individuals from BOP while they await to appear for a sentence modification hearing during a public health emergency, so the bill prohibits an eligible inmate from transferring to DOC during such an emergency. DOC can absorb the costs of housing these inmates when the District is not operating under a public health emergency within its existing budgeted resources.

The bill requires OVSJG to issue an annual \$200,000 grant, beginning in fiscal year 2022, to support restorative justice practices. OVSJG requires an additional \$200,000 in fiscal year 2022 and \$600,000 over the four-year financial plan period to issue these grants.

#### *Investigating Maternal Mortalities*

In 2018, the District had a maternal mortality rate of approximately 36 deaths per 100,000 births<sup>29</sup> with approximately 9,800 births to District residents.<sup>30</sup> OCME additionally believes there are no more than a dozen maternal deaths that are not reported to the agency annually. OCME's current team of approximately fourteen forensic investigators and seven forensic pathologists can manage any additional investigations and examinations that may be required.<sup>31</sup>

#### *Fire and Emergency Medical Services Command Staff*

The Fire Chief currently recommends promotion criteria for Assistant, Deputy, and Battalion Fire Chiefs and the bill provides the statutory framework consistent with this practice. A member will only be promoted when there is a position and budget available and there are no additional costs associated with the bill's implementation. The bill also allows a promoted member to be demoted at the Mayor's direction and there are no costs associated with this authorization.

#### *Criminal Justice Coordinating Council Amendments*

The bill requires the Office of the State Superintendent of Education, the Department of Health Care Finance, the Department of Human Services, and the Child and Family Services Agency to provide information regarding youth in their care or under their purview to CJCC to support CJCC's biennial report on the root causes of youth crime. The agencies can absorb any costs associated with sharing information with CJCC.

#### *Quorum and Reporting Clarification*

The bill establishes a quorum threshold for meetings of the Comprehensive Homicide Elimination Strategy Task Force as one-third of the 20 members being present. The bill also establishes a new reporting deadline of June 1, 2021. There are no costs associated with the implementation of these provisions.

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<sup>29</sup> America's Health Rankings, United Health Foundation, Maternal Mortality, District of Columbia, 2018 ([https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/maternal\\_mortality/state/DC](https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/maternal_mortality/state/DC)) (District-specific data was not included in the 2019 report).

<sup>30</sup> United States Census, Annual Estimates of the Components of Population Change: July 1, 2017 to July 1, 2018.

<sup>31</sup> Pathologists can manage up to 250 autopsies annually to be in line with National Association of Medical Examiner standards and the seven on staff at OCME manage 200 to 220 annually.

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#### *Correctional Treatment Facility Health Inspections Expansion*

DOH currently inspects DOC's Central Detention Facility. DOH requires two additional sanitarians to expand its inspections to include the Correctional Treatment Facility. The two new sanitarians will cost \$270,000 in fiscal year 2021 and approximately \$1.1 million over the four-year financial plan period.

#### *Good Time Credits Reform and Local Compassionate Release*

The bill ensures that all District inmates housed within BOP facilities can earn good time credits, regardless of when the offense occurred. Currently only inmates who committed offenses on April 5, 2000 or later are eligible for good time credits. The bill also gives DOC flexibility to offer good time credits beyond what is explicitly allowed in statute. These provisions were both implemented through temporary legislation and there are no costs associated with making these two provisions permanent.

The bill also allows inmates housed in BOP facilities for violations of District laws to be eligible for compassionate release. Motions for compassionate release can be brought by the United States Attorney's Office, BOP, the United States Parole Commission, or the defendant. There are no costs associated with this provision.

The bill requires DOC to work with OAG, OVSJG, and advocacy organizations to enhance the District's crime victims' rights policies. The relevant agencies can absorb any costs of this collaborative work within their existing budgets.

#### *Alternate Service of Process*

The bill provides an alternative method to serve process for an individual involved in a motor vehicle collision with a District resident. If, after a good faith effort, the defendant cannot be located, but the insurance provider is known, the individual can serve process on the insurance company or the insurance company's attorney or claims adjuster. There are no costs to the District with providing this alternate service of process related to motor vehicle collisions.

#### *Office of Administrative Hearings Jurisdiction Conforming Amendment*

The bill makes permanent that OAH will adjudicate civil infractions issued by WMATA for offenses such as fare evasion. OAH is presently required to adjudicate these tickets under temporary legislation, but we do not believe that WMATA is presently issuing civil citations. If the volume of civil citations is low, OAH believes, based on its existing adjudication experience with the decriminalization of small amounts of marijuana, that the volume of tickets will be low and the workload can be absorbed within its existing budgeted resources. However, OAH will closely monitor the volume of adjudication requests and if they increase significantly, OAH may experience a budget pressure and will need to request additional resources.

The following chart on the following page summarizes the relevant fiscal implications of the bill.

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<b>Omnibus Public Safety and Justice Amendment Act of 2020</b>					
<b>Bill 23-127</b>					
<b>Title VI and Title XI Implementation Costs</b>					
<b>Fiscal Year 2021 – Fiscal Year 2024</b>					
<b>(\$ thousands)</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Total</b>
OVSJG Grants	\$0	\$200	\$200	\$200	\$600
DOH Sanitarians	\$270	\$271	\$271	\$272	\$1,084
<b>Total Costs</b>	<b>\$270</b>	<b>\$471</b>	<b>\$471</b>	<b>\$472</b>	<b>\$1,684</b>