


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: February 11, 2021

SUBJECT: Fiscal Impact Statement – Victims’ Protection Amendment Act of 2021

REFERENCE: Draft Introduction as provided to the Office of Revenue Analysis on
February 8, 2021

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

When a person is on supervised release, probation, or parole, the pretrial services agency can request that a prosecutor or the court revoke that release for any violation of the release conditions, including the violation of a stay-away or no-contact order.

The bill makes it unlawful to intentionally violate a stay-away or no-contact order. If the condition was imposed related to a misdemeanor offense, the court can imprison the violator for up to 180 days, fine her or him \$1,000, or both. If the condition was imposed related to a felony offense, the court can imprison the violator up to 5 years, fine her or him \$12,500, or both.¹

The bill establishes² a felony offense of strangulation where a person knowingly, intentionally, or recklessly restricts the circulation of blood or breathing of another person through the application

¹ Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

² By amending An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code)

of pressure on the throat or neck or blocking the nose or mouth of that person. Any person convicted of strangulation will be imprisoned for up to five years, fined up to \$12,500, or both. Currently, strangulation using an item is a felony, but manual strangulation is a misdemeanor.

The bill authorizes prosecutors to enhance these penalties if the strangulation results in serious bodily injury, the perpetrator was subject to an order or requirement to stay away from or have no contact with the victim, the perpetrator had been convicted of an intrafamily offense within the prior five years, or the victim was pregnant. If these conditions are met, prosecutors can increase the penalties by one-and-a-half times the prescribed levels.

The bill exempts³ government employees that participate in the Address Confidentiality Program (ACP)⁴ from certain Freedom of Information Act (FOIA) disclosures. Employees enrolled in ACP can request to have their names, salaries, title, and dates of employment omitted from quarterly public employee salary disclosures that are published by the Department of Human Resources (DCHR).

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

The bill makes it unlawful to violate a stay-away or no-contact order associated with supervised release. Because violation of an order is a criminal offense, the Metropolitan Police Department (MPD) will be able to assist a pretrial services agency with the enforcement of supervised release violations. MPD will need to work with the court system to ensure MPD is aware that an order exists, but MPD can perform any enforcement actions with existing budgeted resources.

The bill also gives prosecutors the ability to charge a perpetrator with manual strangulation as a felony and impose enhanced penalties if certain conditions are met. There are no costs associated with implementing this section of the bill.

There is no cost to exempting government employees that participate in ACP from certain FOIA disclosures. DCHR can implement a function within the PeopleSoft system that will omit ACP participants from quarterly employee salary disclosures. DCHR will also implement procedures for ACP government employees to petition the agency for exemption from disclosure requirements. DCHR can implement these procedures with existing resources.

³ By amending Section 206(a)(1) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-536(a)(1)).

⁴ The District's Address Confidentiality Program is administered by the Office of Victim Services and Justice Grants and provides a legal substitute address for eligible DC residents to maintain the confidentiality of her or his actual address. This program helps residents who fear for their safety by shielding their street address from public records, providing one tool in an individual's broader safety plan.