

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Limitation on the Use of Chokehold Act of 1985, effective January 25, 1986 to clarify the definitions of asphyxiating restraint and neck restraint and apply them retroactively; to amend the Body-Worn Camera Regulation and Reporting Requirements Act of 2015 to allow officers to view body-worn camera footage prior to initial report writing except in certain circumstances, to allow for the redaction of likenesses of District and federal government employees in body-worn camera footage release, and to repeal the requirement that officers inform contact subjects that they are being recorded; to amend the Office of Citizen Complaint Review Establishment Act of 1998 to narrow and clarify the Office of Police Complaint's access to Metropolitan Police Department files, and to repeal the requirement that MPD and the Mayor send written directives to the Board for feedback; to amend Title 16 of the D.C. Code to make cases where a victim is a law enforcement officer a jury demandable offense only when in uniform or acting in his or her official capacity; to amend the Comprehensive Policing and Justice Reform Amendment Act of 2022 to clarify the use of deadly force legal standard, and to clarify the standards by which MPD can engage in a vehicular pursuit; to amend the Omnibus Public Safety Agency Reform Amendment Act of 2004 to repeal the requirement that MPD post the name and badge number of MPD members before an adverse action hearing; to amend the Office of Citizen Complaint Review Establishment Act of 1998 to remove the publication of discipline records of officers by name and clarify the information provided in the disciplinary database; to amend the Freedom of Information Act of 1976 to add a prospective effective date, to only require disclosure in sustained investigations and discipline cases that result in penalty of suspension, demotion, termination, to disclose the rank rather than the name of MPD members, to clarify certain records are subject to FOIA protections, to exempt certain medical history from disclosure, to clarify that no personally identifying information is subject to disclosure, and to apply the provisions prospectively; to amend The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to re-establish the prohibition for wearing a mask under certain conditions; to amend The District of Columbia Theft and White Collar Crimes Act of 1982 to redefine theft in the first degree; to establish the offense of directed organized retail theft; and to amend The Anti-Loitering/Drug Free

47 Zone Act of 1996 to reauthorize the Chief of the Metropolitan Police Department to  
48 determine and declare a drug enforcement zone and to prohibit the congregation of 2 or  
49 more persons on public space on public property, for the purpose of participating in the  
50 use, purchase, or sale of illegal drugs, within the perimeter of the drug enforcement zone.  
51

52 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
53 act may be cited as the “Addressing Crime Trends (ACT) Now Act of 2023”.

54 TITLE I – Unlawful use of neck restraints by law enforcement

55 Sec. 101. Section 3 of The Limitation on the Use of Chokehold Act of 1985, effective  
56 January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02) is amended as follows:

57 (a) Paragraph (3)(A) is amended as follows:

58 “(3) Asphyxiating restraint means:

59 (A) The use of any body part or object by a law enforcement officer against a  
60 person with the purpose or intent of severely restricting the person’s breathing, except in  
61 cases where the law enforcement officer is acting in good faith to provide medical care or  
62 treatment, such as by providing cardiopulmonary resuscitation; or”

63 (b) Paragraph (5) is amended by striking the phrase “the person’s movement, blood flow,  
64 or breathing.” and inserting the phrase “the person’s blood flow or breathing.”

65 TITLE II – Body-worn camera recordings

66 Sec. 201. Section 3004 of the Body-Worn Camera Regulation and Reporting  
67 Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-  
68 116.33), is amended by:

69 (a) Subsection (c) is amended as follows:

70 (a) Paragraph (2) is amended to read as follows:

71 “(2) The Mayor:

72 (A) Shall, except as provided in paragraph (3) of this subsection:

73 (i) Within 5 business days after:

74 (I) An officer-involved death;

75 (II) An MPD officer discharges a firearm, with the

76 exception of negligent discharges that do not otherwise put members of the public at risk of

77 injury or death, discharges at animals, and range and training incidents;

78 (III) An MPD officer applies a head strike with an impact

79 weapon;

80 (IV) An MPD officer engages in use of force resulting in

81 serious bodily injury; resulting in loss of consciousness or creating a substantial risk of death,

82 serious disfigurement, disability or impairment of the functioning of any body part or organ; or

83 involving the use of a prohibited technique, as that term is defined in section 3(6) of the

84 Limitation on the Use of the Chokehold Act of 19845, effective January 25, 1986 (D.C. Law 6-

85 77; D.C. Official Code § 5-125.02(6); or

86 (V) An MPD canine bites a person.

87 (ii) Public release:

88 (1) The names and body-worn camera recordings of all

89 officers directly involved in the officer-involved death, or incidents described in

90 (2)(A)(i); and

91 (2) A description of the incident; and

92 (iii) Maintain, on the website of the Metropolitan Police

93 Department in a format readily accessible and searchable by the public, the body worn camera

94 recordings of all officers who were directly involved in an officer-involved death since the Body-

95 Worn Camera Program was launched on October 1, 2014; and

96 (B) May, on a case-by-case basis in matters of significant public interest  
97 and after consultation with the Chief of Police, the Office of the Attorney General, and the  
98 United States Attorney’s Office for the District of Columbia, publicly release any other body-  
99 worn camera recordings that may not otherwise be releasable pursuant to a FOIA request or  
100 subparagraph (A) of this paragraph.”

101 (b) Subsection (e) is amended to read as follows:

102 “(e)(1) For incidents described in sub-subparagraph (c)(2)(i), Metropolitan Police  
103 Department officers shall not review any body-worn camera recordings to assist in initial report  
104 writing.

105 (A) The restrictions of paragraph (1) shall not apply to incidents involving an  
106 injury pursuant to (c)(i)(IV) that is unknown to the officer before writing the initial report.

107 (2) Officers shall indicate, when writing any subsequent reports, whether the officer  
108 viewed body-worn camera footage prior to writing the subsequent report.

109 (c) Subsection (f) is repealed.

110 (d) Subsection (g) is amended as follows:

111 (1) Paragraph (3) is repealed.

112 (2) A new paragraph (4) is added to read:

113 “(4) “Serious bodily injury” means extreme physical pain, illness, or impairment  
114 of physical condition including physical injury that involves: a substantial risk of death;  
115 protracted and obvious disfigurement; protracted loss or impairment of the function of a bodily  
116 member or organ; or protracted loss of consciousness.”

117 Sec. 202. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is  
118 amended as follows:

119 (a) Section 3900 is amended as follows:

120 (1) Subsection 3900.5 is repealed.

121 (2) Subsection 3900.9 is amended to read as follows:

122 “3900.9. (a) For incidents described in in 3900.10(1)(A), Metropolitan Police Department  
123 officers shall not review any body-worn camera recordings to assist in initial  
124 report writing.

125 (1) The restrictions of subsection (a) shall not apply to incidents involving  
126 an injury pursuant to 3900.10(1)(A)(4) that is unknown to the officer before  
127 writing the initial report.

128 (b) Members shall indicate, when writing any subsequent reports, whether the  
129 officer viewed body-worn camera footage prior to writing the subsequent report.

130 (3) Subsection 3900.10 is amended to read as follows:

131 “3900.10. (a) Notwithstanding any other law, the Mayor:

132 (1) Shall, except as provided in paragraph (b) of this subsection:

133 (A) Within 5 business days after:

134 (i) An officer-involved death;

135 (ii) An MPD officer discharges a firearm, with the  
136 exception of negligent discharges that do not otherwise put  
137 members of the public at risk of injury or death, discharges at  
138 animals and range and training incidents;

139 (iii) An MPD officer applies a head strike with an impact  
140 weapon;

141 (iv) An MPD officer engages in use of force resulting in  
142 serious bodily injury; resulting in loss of consciousness or creating  
143 a substantial risk of death, serious disfigurement, disability or  
144 impairment of the functioning of any body part or organ; and  
145 involving the use of a prohibited technique, as that term is defined  
146 in section 3(6) of the Limitation on the Use of the Chokehold Act  
147 of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official  
148 Code § 5-125.02(6); or

149 (v) An MPD canine bites a person.

150 (B) Publicly release:

151 (i) The names and body-worn camera recordings of all  
152 officers directly involved in the officer-involved death, or  
153 provisions described in (2)(A)(i); and a description of the incident;

154 and

155 (ii) Maintain, on the website of the Metropolitan Police  
156 Department in a format readily accessible and searchable by the  
157 public, the body worn camera recordings of all officers who were  
158 directly involved in an officer-involved death since the Body-Worn  
159 Camera Program was launched on October 1, 2014; and

160 (2) May, on a case-by-case basis in matters of significant public interest

161 and after consultation with the Chief of Police, the Office of the Attorney General, and the

162 United States Attorney's Office for the District of Columbia, publicly release any other body-

163 worn camera recordings that may not otherwise be releasable pursuant to a FOIA request or  
164 subparagraph (A) of this paragraph.”

165 (b)(1) The Mayor shall not release a body-worn camera recording pursuant to paragraph  
166 (a)(1)(A) of this subsection if the following persons inform the Mayor, orally or in writing, that  
167 they do not consent to its release:

168 (A) For a body-worn camera recording of an officer-involved death, the  
169 decedent’s next of kin; and

170 (B) For a body-worn camera recording of a serious use of force, the  
171 individual against whom the serious use of force was used, or if the individual is a  
172 minor to unable to consent, the individual’s next of kin.

173 (2)(A) In the event of a disagreement between the persons who must consent to the  
174 release of a body-worn camera recording pursuant to subparagraph (1) of this  
175 paragraph, the Mayor shall seek a resolution in the Superior Court of the District of  
176 Columbia

177 (B) The Superior Court of the District of Columbia shall order the release of the  
178 body-worn camera recording if it finds that the release is in the interest of justice.

179 (c) Before publicly releasing a body-worn camera recording of an officer- involved death,  
180 the Metropolitan Police Department shall:

181 (1) Consult with an organization with expertise in trauma and grief on best practices  
182 for providing the decedent’s next of kin with a reasonable opportunity view the body-worn  
183 camera recording privately in a non-law enforcement setting prior to its release; and

184 (2) In a manner that is informed by the consultation described in subparagraph (1)  
185 of this paragraph:

186 (A) Provide actual notice to the decedent’s next of kin at least 24 hours before the  
187 release, including the date on which it will be released;

188 (B) Offer the decedent's next of kin a reasonable opportunity to view the body-worn  
189 camera recording privately in a non-law enforcement setting; and

190 (C) If the next of kin accepts the offer in sub-subparagraph (B) of this subparagraph,  
191 provide the decedent's next of kin a reasonable opportunity to view the body- worn camera  
192 recording privately in a non-law enforcement setting.”

193 (b) Section 3999.1 is amended as follows:

194 (1) Striking the definition for “serious use of force.”

195 (2) Inserting a new definition between the definitions of “metadata” and “subject”  
196 to read as follows:

197 “Serious bodily injury” means extreme physical pain, illness, or impairment of  
198 physical condition including physical injury that involves: a substantial risk of death; protracted  
199 and obvious disfigurement; protracted loss or impairment of the function of a bodily member or  
200 organ; or protracted loss of consciousness.”

### 201 TITLE III – Office of Police Complaints

202 Sec. 301. The Office of Citizen Complaint Review Establishment Act of 1998, effective  
203 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

204 (a) Section 5 (D.C. Official Code § 5-1104) is amended as follows:

205 (1) Subsection (d-2) is amended as follows:

206 (A) Paragraph (2) is amended by striking the phrase “have unfettered access to all  
207 information” and inserting the phrase “have timely and complete access to information.”

208 (B) A new paragraph (3) is added to read:



209                   “(3) The Executive Director shall keep confidential the identity of all person’s  
210 names in any documents transferred from the MPD to the Office pursuant to paragraphs (1) and  
211 (2) of this subsection.”

212                   (2) Subsection (d-4) is repealed.

213 TITLE IV – Right to Jury Trial

214                   Sec. 401. Section 16-705(b)(1) of the District of Columbia Official Code is amended as  
215 follows:

216                   Subparagraph (C) is amended as follows:

217                   Sub-subparagraph (ii) is amended to read:

218                   “(ii) The person who is alleged to have been the victim of the offense is a law  
219 enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of the  
220 District of Columbia (D.C. Official Code § 22-405(a)) if the law enforcement officer is in  
221 uniform or acting in an official capacity; and”

222 TITLE V – Officer Discipline

223                   Sec. 501. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of  
224 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is  
225 amended as follows:

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

227                   “(c)(2) The schedule shall include:

228                   (A) The date, time, and location of the hearing; and

229                   (B) A summary of the alleged misconduct or charges against the subject officer.

230 TITLE VI – Use of Force Reforms

231           Sec. 601. The Comprehensive Policing and Justice Reform Amendment Act of 2022,  
232 effective April 21, 2023 (D.C. Law 24-345; D.C. Official Code § 5-351.01) is amended as  
233 follows:

234           Subsection (b) is amended as follows:

235           Paragraph (1) is amended by striking the phrase “actually and”.

236 TITLE VII – Vehicular Pursuits

237           Sec. 701. The Comprehensive Policing and Justice Reform Amendment Act of 2022,  
238 effective April 21, 2023 (D.C. Law 24-345; D.C. Official Code 5-365.01 *et seq.*) is amended to  
239 as follows:

240           (a) Section 127 (D.C. Official Code § 5-365.01) is amended to read as follows:

241           (1) The definition of “serious bodily injury” is amended to read:

242           “Serious bodily injury: means extreme physical pain, illness, or impairment of physical  
243 condition, including physical injury that involves:

244                   (A) A substantial risk of death;

245                   (B) Protracted and obvious disfigurement;

246                   (C) Protracted loss or impairment of the function of a bodily member or organ; or

247                   (D) Protracted loss of consciousness.”

248           (b) Section 128(a) (D.C. Official Code § 5-365.02(a)), is amended as follows:

249                   (1) Paragraph (1)(B) is amended by striking the phrase “immediate threat” and  
250 inserting the phrase “imminent threat” in its place.

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

252                           (A) Subparagraph (A) is amended by striking the phrase “fleeing suspect,”  
253 and inserting the phrase “fleeing suspect or suspects,” in its place.

254 (B) Subparagraph (B) is amended to read as follows:

255 “(B) Under the totality of circumstances, not likely to cause death or  
256 serious bodily injury to any person, other than to the fleeing suspect or suspects; and”.

257 (c) Section 128(c) (D.C. Official Code § 5-365.02(c)) is repealed.

258 TITLE VIII. – Public Release of Records Related to Misconduct and Discipline

259 Sec. 801. The Office of Citizen Complaint Review Establishment Act of 1998, effective  
260 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

261 Section 17 (70 DCR 935) is amended as follows:

262 Subsection (a) is amended as follows:

263 (1) Paragraph (1) is amended to read as follows:

264 “(1) The rank, race, gender, and length of service of an officer against who an allegation  
265 of misconduct has been sustained.”

266 (2) Paragraph (4) is amended by striking the phrase “and a copy of the final order or  
267 written determination”

268 TITLE IX – FOIA

269 Sec. 901. Section 204 of the Freedom of Information Act of 1976, effective March 29,  
270 1977 (D.C. Law 1-96; D.C. Official Code § 2-534), is amended as follows:

271 (1) Subsection (d-1)(1) is amended by striking the phrase “disciplinary records, shall not”  
272 and inserting the phrase “disciplinary records, sustained on or after the effective date of this Act,  
273 shall not”.

274 (2) Subsection (d-1)(2) is amended to read as follows:

275 “(2) For the purposes of this subsection, the term “disciplinary records” means any record  
276 created in furtherance of a sustained disciplinary proceeding for, or an Office of Police

277 Complaints (“OPC”) investigation of, an MPD, HAPD, or OIG officer, that resulted in a penalty  
278 of suspension, demotion, or termination, including:

279 (A) The rank of the officer complained of, investigated, or charged:

280 (B) The complaints, allegations, and charges against the officer;

281 (C) The transcript of any disciplinary trial or hearing, including any exhibits introduced at  
282 the trial or hearing;

283 (D) The disposition of any disciplinary proceeding; and

284 (E) The final written opinion or memorandum supporting the disposition and any  
285 discipline imposed, including the MPD’s, HAPD’s, or OIG’s complete factual findings and its  
286 analysis of the conduct and appropriate discipline of the officer.

287 (2) Subsection (d-1)(3) is amended to read as follows:

288 “(3) When providing records or information related to disciplinary records, the responding  
289 public body may redact:

290 (A) Technical infractions solely pertaining to the enforcement of administrative  
291 departmental rules that do not involve interactions with members of the public and are not  
292 otherwise connected to the officer's investigative, enforcement, training, supervision, or reporting  
293 responsibilities;

294 (B) Their medical history;

295 (C) Their use of an employee assistance program, including mental health treatment,  
296 substance abuse treatment service, counseling, or therapy;

297 (D) Any personally identifiable information; and

298 (E) Any other records or information otherwise exempt from disclosure under this section  
299 other than subsection (a)(2) of this section.”

300 TITLE X – ANTI-MASK LAW

301 Sec. 1001. The Anti-Intimidation and Defacing of Public or Private Property Criminal  
302 Penalty Act of 1982 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et seq.*) is amended as  
303 follows:

304 Section 3 (D.C. Official Code § 22-3312.03) is revived as of the effective date of the  
305 “xxxx Act,” and amended to read as follows:

306 It shall be unlawful for any person or persons over 16 years of age, while wearing any  
307 mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to  
308 conceal the identity of the wearer to enter upon, be, or appear upon or within public property, or  
309 hold any meeting or demonstration, if the intent of the person is to:

310 (1) Engage in conduct prohibited by civil or criminal law and avoid identification;

311 (2) Deprive any person or class of persons of equal protection of the law or of equal  
312 privileges and immunities under the law, or for the purpose of preventing or hindering the  
313 constituted authorities of the United States or the District of Columbia from giving or securing  
314 for all persons within the District of Columbia equal protection of the law;

315 (3) Force or threaten the use of force, to injure, intimidate, or interfere with any person  
316 because of his or her exercise of any right secured by federal or District of Columbia laws, or to  
317 intimidate any person or any class of persons from exercising any right secured by federal or  
318 District of Columbia laws;

319 (4) Intimidate, threaten, abuse, or harass any other person;

320 (5) Cause another person to fear for his or her personal safety, or, where it is probable  
321 that reasonable persons will be put in fear for their personal safety by the defendant’s actions,  
322 with reckless disregard for that probability.

323 TITLE XI – ORGANIZED RETAIL THEFT

324 Sec. 1101. Section 112 of The District of Columbia Theft and White Collar Crimes Act  
325 of 1982 (D.C. Law 4-164; D.C. Official Code § 22-3212) is amended as follows:

326 Subsection (a) is amended to read as follows:

327 (a) Theft in the first degree. – Any person convicted of theft in the first degree shall be  
328 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10  
329 years, or both, if:

330 (1) The value of the property obtained or used is \$1,000 or more;

331 (2) The quantity of property obtained is 10 or more with a value of at least \$250 over a  
332 30-day period; or

333 (3) In the course of or in furtherance of such theft, knowingly commits assault or  
334 intentionally destroys or damages the property of the retail establishment.

335 Sec. 1102. Directing Organized Retail Theft

336 (a) A person commits the offense of directing organized retail theft if:

337 Any person acts as an organizer of a theft for profit scheme by recruiting or directing  
338 individuals to commit organized retail theft.

339 (b) For the purposes of this subsection, organized retail theft occurs if any person:

340 (1) Acts in concert with one or more other persons to commit theft as defined in § 22-

341 3211 of any merchandise with a value greater than \$1,000 aggregated over a 90-day period with  
342 the intent to:

343 (A) Sell, barter, or trade the merchandise for monetary or other gain or

344 (B) Fraudulently return the merchandise to a retail merchant.

345 (b) A person who violates this section shall be guilty of a felony and, upon conviction,  
346 shall be imprisoned not more than 15 years or fined not more than the amount set forth in § 22-  
347 3571.01, or both.

348 (c) The Executive shall conduct a study on the impact of decriminalization of street  
349 vending pursuant to the Street Vendor Advancement Amendment Act of 2023, effective July 1,  
350 2023 (D.C. Law 25-21, D.C. Official Code § 37-131.08) on public safety, pedestrian safety, and  
351 public health in the District of Columbia.

352  
353 TITLE XII – DRUG FREE ZONES

354 Section 1201. The Anti-Loitering/Drug Free Zone Act of 1996 (D.C. Law 11-270; D.C.  
355 Official Code § 48-1101 *et seq.*) is revived as of the effective date of “Addressing Crime Trends  
356 (ACT) Now Act of 2023” and amended to read as follows:

357 (a) Section 2 (D.C. Official Code § 48-1101) is revived as of the effective date of  
358 “Addressing Crime Trends (ACT) Now Act of 2023” and amended to read as follows:

359 § 48-1001. Definitions.

360 (1) "Chief of Police" means the Chief of the Metropolitan Police Department as the  
361 designated agent of the Mayor.

362 (2) "Disperse" means to depart from the designated drug free zone and not to reassemble  
363 within the drug free zone with anyone from the group ordered to depart for the duration of the  
364 zone.

365 (3) "Drug free zone" means public space on public property in an area not to exceed a  
366 square of 1000 feet on each side that is established pursuant to section 3.

367 (4) "Illegal drug" means the same as the term "controlled substance" in the District of  
368 Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-  
369 29; D.C. Code § 33-501).

370 (5) "Police Department" means the Metropolitan Police Department

371 (b) Section 3 (D.C. Official Code § 48-1002) is revived as of the effective date of the  
372 "Addressing Crime Trends (ACT) Now Act of 2023" and amended to read as follows:

373 § 48-1002. Procedure for Establishing a Drug Free Zone.

374 (a) The Chief of Police may declare any public area a drug free zone for a period not to  
375 exceed 120 consecutive hours. The Chief of Police shall inform the Chairperson, Council of the  
376 District of Columbia of the declaration of a drug free zone.

377 (b) In determining whether to designate a drug free zone, the Chief of Police shall  
378 consider the following:

379 (1) Within the preceding 6-month period, the occurrence of a disproportionately  
380 high number of:

381 (A) Arrests for the possession or distribution of illegal drugs in the  
382 proposed drug free zone;

383 (B) Police reports for dangerous crimes (as defined in § 23-1331(3)) that  
384 were committed in the proposed drug free zone; or;

385 (C) Police reports for crimes of violence (as defined in §23-1331(4)) that  
386 were committed in the proposed drug free zone;

387 (2) Any number of homicides that were committed in the proposed drug free  
388 zone.



389 (3) Objective evidence or verifiable information that shows that illegal drugs are  
390 being sold and distributed on public space on public property within the proposed drug free zone;  
391 and

392 (4) Any other verifiable information from which the Chief of Police may ascertain  
393 whether the health or safety of residents who live in the proposed drug free zone are endangered  
394 by the purchase, sale, or use of illegal drugs or other illegal activity.

395 (c) Section 4 (D.C. Official Code § 48-1003) is revived as of the effective date of the  
396 “Addressing Crime Trends (ACT) Now Act of 2023” and amended to read as follows:

397 § 48-1003. Notice of a Drug Free Zone.

398 Upon the designation of a drug free zone, the Police Department shall mark each block  
399 within the drug free zone by using barriers, tape, or police officers that post the following  
400 information in the immediate area of, and borders around, the drug free zone:

401 (1) A statement that it is unlawful for a person to congregate in a group of 2 or  
402 more persons for the purposes of participating in the use, purchase, or sale of illegal  
403 drugs within the boundaries of a drug free zone, and to fail to disperse after being  
404 instructed to disperse by a uniformed officer of the Police Department who reasonably  
405 believes the person is congregating for the purpose of participating in the use, purchase,  
406 or sale of illegal drugs;

407 (2) The boundaries of the drug free zone;

408 (3) A statement of the effective dates of the drug free zone designation; and

409 (4) Any other additional notice to inform the public of the drug free zone.

410 (d) Section 5 (D.C. Official Code § 48-1004) is revived as of the effective date of the  
411 “Addressing Crime Trends (ACT) Now Act of 2023” and amended to read as follows:

412 § 48-1004. Prohibition.

413 (a) It shall be unlawful for a person to congregate in a group of 2 or more persons in  
414 public space on public property within the perimeter of a drug free zone established pursuant to §  
415 48-1002 and to fail to disperse after being instructed to disperse by a uniformed officer of the  
416 Police Department who reasonably believes the person is congregating for the purpose of  
417 participating in the use, purchase, or sale of illegal drugs.

418 (b) In making a determination that a person is congregating in a drug free zone for the  
419 purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the  
420 circumstances involved shall be considered. Among the circumstances which may be considered  
421 in determining whether such purpose is manifested are:

422 (1) The conduct of a person being observed, including, but not limited to, that such  
423 person is behaving in a manner raising a reasonable belief that the person is engaging or is about  
424 to engage in illegal drug activity, such as the observable distribution of small packages to other  
425 persons, the receipt of currency for the exchange of a small package, operating as a lookout,  
426 warning others of the arrival of police, concealing himself or herself or any object which  
427 reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct  
428 normally associated by law enforcement agencies with the illegal distribution or possession of  
429 drugs;

430 (2) Information from a reliable source indicating that a person being observed routinely  
431 distributes illegal drugs within the drug free zone;

432 (3) Information from a reliable source indicating that the person being observed is  
433 currently engaging in illegal drug-related activity within the drug free zone;

434 (4) Such person is physically identified by the officer as a member of a gang or  
435 association which engages in illegal drug activity;

436 (5) Such person is a known unlawful drug user, possessor, or seller. For purposes of this  
437 chapter, the phrase a "known unlawful drug user, possessor, or seller" means a person who has,  
438 within the knowledge of the arresting officer, been convicted in any court of any violation  
439 involving the use, possession, or distribution of any of the substances referred to in § 48-  
440 902.04, § 48- 902.06, § 48-902.08, § 48-902.10 or § 48-902.12; or is a person who displays  
441 physical characteristics of drug use, including, but not limited to, "needle tracks";

442 (6) Such person has no other apparent lawful reason for congregating in the drug free  
443 zone, such as waiting for a bus or being near one's own residence; and

444 (7) Any vehicle involved in the observed circumstances is registered to a known unlawful  
445 drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a  
446 crime involving drug-related activity.

447 (e) Section 6 (D.C. Official Code § 48-1005) is revived as of the effective date of the  
448 “Addressing Crime Trends (ACT) Now Act of 2023” and amended to read as follows:

449 § 48-1105. Penalties.

450 Any person who violates section 5 (D.C. Official Code § 48-1004) shall, upon  
451 conviction, be subject to a fine of not more than \$300, imprisonment for not more than 180 days,  
452 or both.

453 **TITLE XIII – APPLICABILITY; FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.**

454 **Sec. 1301. Applicability.**

455 (a) Section 101(a) shall apply retroactively to April 21, 2023.

456 (b) Section 101(b) shall apply retroactively to July 22, 2020.

457           Sec. 1302. Fiscal impact statement.

458           The Council adopts the fiscal impact statement in the committee report as the fiscal  
459 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
460 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

461           Sec. 1303. Effective date.

462           This act shall take effect following approval by the Mayor (or in the event of veto by the  
463 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
464 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
465 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
466 Columbia Register.