

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Panhandling Control Act of 1993

Bill #10-72

Act #

RECEIVED

Date Transmitted to LSD: '93 JUN 29 P6:13

Received by LSD:

LEGISLATIVE SERVICE

cc: Councilmember Nathanson

(with attachment)

cc: Codification Counsel

(with attachment)

Please notify me of any error/comment within 24 hours.

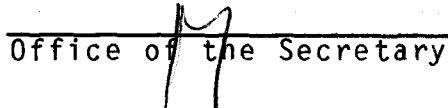
II. CLEARANCE OF ENROLLED LEGISLATION


Legislative Counsel

6-29-93
Date


Codification Counsel

6-29-93
Date


Office of the Secretary

6-30-93
Date

III. CLEARANCE OF CORRESPONDENCE BY LSU

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 10-54

"Panhandling Control Act of 1993".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 10-72 on first and second readings, June 1, 1993, and June 29, 1993, respectively. Following the signature of the Mayor on July 16, 1993, this legislation was assigned Act No. 10-48, published in the July 30, 1993, edition of the D.C. Register, (Vol. 40 page 5450) and transmitted to Congress on July 21, 1993 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-54, effective November 17, 1993.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

July 21,22,23,26,27,28,29,30
August 2,3,4,5,6
September 7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30
October 1,4,5,6,7,12,13,14,15,18,19,20,21,22,25,26,27,28,29
November 1,2,3,4,5,8,9,10,15,16

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 1993

To make certain panhandling acts crimes; to allow law enforcement officers to arrest a person without a warrant if the law enforcement officer has probable cause to believe that the person committed an illegal panhandling offense; and to repeal the provision prohibiting begging under the District's vagrancy law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Panhandling Control Act of 1993".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Aggressive manner" means:

(A) Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession;

(B) Touching another person without that person's consent in the course of asking for alms;

(C) Continuously asking, begging, or soliciting alms from a person after the person has made a negative response; or

(D) Intentionally blocking or interfering with the safe or free passage of a person by any means, including unreasonably causing a person to take evasive action to avoid physical contact.

(2) "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

New Section
22-3311

Sec. 3. Prohibited acts.

(a) No person may ask, beg, or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations and the grounds enclosing buildings.

(b) No person may ask, beg, or solicit alms in any public transportation vehicle; or at any bus, train, or subway station or stop.

(c) No person may ask, beg, or solicit alms within 10 feet of any automatic teller machine (ATM).

(d) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

New Section
22-3312

(e) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

(f) No person may ask, beg, or solicit alms in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street.

(g) No person may ask, beg, or solicit alms in exchange for protecting, watching, washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public street.

(h) No person may ask, beg, or solicit alms on private property or residential property, without permission from the owner or occupant.

Sec. 4. Permitted activity.

Acts authorized as an exercise of a person's constitutional right to picket, protest, or speak, and acts authorized by a permit issued by the District of Columbia government shall not constitute unlawful activity under this act.

New Section
22-3313

Sec. 5. Penalties.

(a) Any person convicted of violating any provision of section 3 shall be fined not more than \$300 or be imprisoned not more than 90 days or both.

(b) In lieu of or in addition to the penalty provided in subsection (a) of this section, a person convicted of violating any provision of section 3 may be required to perform community service as provided in D.C. Code § 16-712.

New Section
22-3314

Sec. 6. Conduct of prosecutions.

Prosecutions for violations of this act shall be conducted in the name of the District of Columbia by the Corporation Counsel.

New Section
22-3315

Sec. 7. Disclosure.

Any arrest or conviction under this act shall be disclosed to public and private social service agencies that request the Metropolitan Police Department or the court to be notified of such events.

New Section
22-3316

Sec. 8. Arrest without warrant authorized.

Section 23-581 of the District of Columbia Code is amended by adding a new subsection (a-2) to read as follows:

"(a-2) A law enforcement officer may arrest a person without an arrest warrant if the officer has probable cause to believe the person has committed an offense as provided in the Panhandling Control Act of 1993."

Section
23-581

Sec. 9. Repealer.

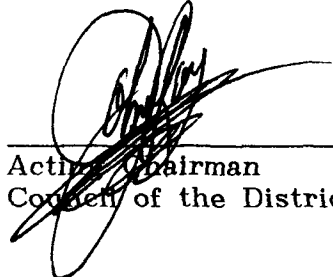
Paragraph (7) of section 1 of An Act To define and punish vagrancy in the District of Columbia, and for other purposes, approved December 17, 1941 (55 Stat. 809; D.C. Code § 22-3302(6)), is repealed.

Section
22-3302

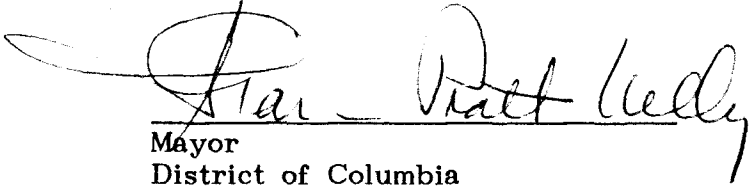
Sec. 10. Effective date.

This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the

veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Acting Chairman
Council of the District of Columbia



Mayor
District of Columbia

July 16, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-72

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-1-93

VOICE VOTE: Approved, Thomas Voted No

Recorded vote on request

Absent: Chavous

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: June 30, 1993

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-29-93

VOICE VOTE: Approved, Thomas Voted No

Recorded vote on request

Absent: All present

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: June 30, 1993

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date