

AN ACT

*Codification  
District of  
Columbia  
Official Code*

**2001 Edition**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish the crimes of an act of terrorism, the manufacture or possession of a weapon of mass destruction, the use, dissemination, or detonation of a weapon of mass destruction, the provision of material support and resources for an act of terrorism, and solicitation of material support and resources to commit an act of terrorism, to establish penalties for the commission of these crimes and attempts or conspiracies to commit these crimes, and to provide that there is jurisdiction to prosecute persons who commit these crimes if any act in furtherance of the crime, or the effect of any act in furtherance of the crime, occurs in the District of Columbia; to amend section 23-113 of the District of Columbia Official Code to provide that prosecution for first degree murder that constitutes an act of terrorism and second degree murder that constitutes an act of terrorism may be commenced at any time; to amend An Act To establish a code of law for the District of Columbia to include officers of the District of Columbia Protective Services, the Department of Corrections, the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the Metro Transit police force in the definition of "law enforcement officer", to establish the crime of murder of a public safety employee, and to require that a person convicted of killing firefighters, paramedics, or emergency medical technicians be sentenced to life without the possibility of release; to amend An Act To prevent the giving of false alarms of fires in the District of Columbia to establish the crime of willfully and knowingly making a false or fictitious report of the existence of a weapon of mass destruction, and to provide for increased penalties for making such reports when there is an intent of intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing economic damage, or when the report is made during a declared state of emergency; to amend An Act Relating to crime and criminal procedure in the District of Columbia to provide that false or fictitious reports of the existence of a weapon of mass destruction made to the Metropolitan Police Department will be subject to the greater penalties provided in An Act To prevent the giving of false alarms of fires in the District of Columbia; to amend of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, to add an act of terrorism, manufacture or possession of a weapon of mass destruction, and use, dissemination, or detonation of a weapon of mass destruction to the definition of

a "crime of violence"; to amend section 23-2331(4) of the District of Columbia Official Code to add an act of terrorism, manufacture or possession of a weapon of mass destruction, and use, dissemination, or detonation, of a weapon of mass destruction to the definition of a "crime of violence"; to amend of the Victims of Violent Crime Compensation Act of 1996 to add an act of terrorism, manufacture or possession of a weapon of mass destruction, and use, dissemination, or detonation of a weapon of mass destruction to the definition of a "crime of violence"; to amend the DNA Sample Collection Act of 2001 to add an act of terrorism, manufacture or possession of a weapon of mass destruction, and the use, dissemination, or detonation of a weapon of mass destruction to the list of crimes for which DNA evidence will be collected from those convicted of committing such crimes; to amend the Youth Rehabilitation Act of 1985 to provide that a person convicted of first degree murder that constitutes an act of terrorism and second degree murder that constitutes an act of terrorism does not meet the definition of "youth offender"; to amend the District of Columbia Public Emergency Act of 1980 to include the correct name of the District of Columbia Emergency Management Agency, to include the correct name of the District of Columbia response plan, to require that the District of Columbia response plan be published in only one edition of the District of Columbia Register, to exempt any response plans that have the purpose of mitigating an act of terrorism from publication requirements, to require the Mayor to review the District of Columbia response plan annually, to hold the District of Columbia, its independent agencies, employees, officers or agents, not liable for damages for any actions taken within the scope of the individual's employment or voluntary service when implementing the provisions of the District of Columbia response plan, except in instances of gross negligence, to authorize the Mayor to take emergency action to detain persons believed to be affected by communicable diseases that threaten the general public, to authorize the Mayor to issue an executive order proclaiming a public health emergency and to list certain powers of the Mayor allowable under such an order; to amend the District of Columbia Administrative Procedure Act to exempt any response plans that have the purpose of mitigating an act of terrorism from the disclosure provisions of the Freedom of Information Act; to amend An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia to limit liability for medical care provided by emergency medical service personnel during a state of emergency if the care is provided in good faith and is not grossly negligent; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to establish the authority of certified emergency medical technicians/paramedics and certified emergency medical technicians/intermediate paramedics to administer a controlled substance under the direction and supervision of a licensed physician; to authorize the Mayor to execute, on behalf of the District of Columbia, the Emergency Management Assistance Compact, which provides for mutual assistance between the

states entering into it in managing any emergency or disaster that is duly declared by the governor of a state or the Mayor; to provide that the Metropolitan Police Department and Fire and Emergency Medical Services Department shall have the sole and exclusive right to have and use, in carrying out their respective missions, the official badges, patches, emblems, copyrights, descriptive or designating marks, or other insignia displayed on their uniforms, and to make the unauthorized use of these official insignia a misdemeanor; to amend section 23-522 of the District of Columbia Official Code to authorize telephonic applications for search warrants; and to amend An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases to clarify the existing authority of the Mayor to respond to outbreaks of communicable disease and to detain and treat large numbers of people who are intentionally or unintentionally affected by a communicable disease.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Anti-Terrorism Act of 2002".

TITLE I. CRIMINAL PROVISIONS

Subtitle A. General.

New Chapter  
31A,  
Title 22

Sec. 101. Short title.

This title may be cited as the "Anti-Terrorism Act of 2002".

New  
§ 22-3151

Sec. 102. Definitions.

For the purposes of this title, the term:

New  
§ 22-3152

(1) "Act of terrorism" means an act or acts that constitute a specified offense as defined in paragraph (8) of this section and that are intended to:

- (A) Intimidate or coerce a significant portion of the civilian population of:
  - (i) The District of Columbia; or
  - (ii) The United States; or

(B) Influence the policy or conduct of a unit of government by intimidation or coercion.

(2) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

(A) Death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(B) Deterioration of food, water, equipment, supplies, or material of any kind; or

(C) Deleterious alteration of the environment.

(3) “Hoax weapon of mass destruction” means any device or object that by its design, construction, content, or characteristics, appears to be or to contain, or is represented to be or to contain a weapon of mass destruction, even if it is, in fact, an inoperative facsimile or imitation of a weapon of mass destruction, or contains no weapon of mass destruction.

(4) “Material support or resources” means:

(A) Expert services or assistance;

(B) Currency, financial securities or other monetary instruments, financial services, lodging, training, false documentation or identification, equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets; or

(C) A weapon of mass destruction.

(5) “Nuclear material” means material containing any:

(A) Plutonium;

(B) Uranium not in the form of ore or ore residue that contains the mixture of isotopes as occurring in nature;

(C) Enriched uranium, defined as uranium that contains the isotope 233 or 235 or both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or

(D) Uranium 233.

(6) “Provision of material support or resources for an act of terrorism” means the act of providing material support or resources to a person or an organization with the purpose or knowledge that the material support or resources will be used, in whole or in part, to plan, prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.

(7) “Solicitation of material support or resources to commit an act of terrorism” means the act of raising, soliciting, or collecting material support or resources with the purpose or knowledge that such material support or resources will be used, in whole or in part, to plan, prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.

(8) “Specified offense” means:

(A) Section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101) (Murder in the first degree);

(B) Section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102) (Murder in the first degree - placing obstructions upon or displacement of railroads);

(C) Section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10-256; D.C. Official Code § 22-2106) (Murder of law enforcement officer or public safety employee);

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(D) Section 800 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2103) (Murder in the second degree);

(E) Section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105) (Manslaughter);

(F) Section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001) (Kidnapping and conspiracy to kidnap);

(G) Section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-401) (Assault with intent to kill only);

(H) Section 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-406) (Mayhem or maliciously disfiguring);

(I) Section 820 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-301) (Arson);

(J) Section 848 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Official Code § 22-303) (Malicious burning, destruction, or injury of another's property, if the property is valued at \$500,000 or more); or

(K) An attempt or conspiracy to commit any of the offenses listed in subparagraphs (A) through (J) of this paragraph.

(9) "Toxic or poisonous chemical" means any chemical which, through its chemical action on life processes, can cause death, permanent incapacitation, or permanent harm to humans.

(10) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:

(A) Any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(B) Any poisonous isomer or biological product, homolog, or derivative of such a substance;

(11) "Unit of government" means:

(A) The office of the President of the United States;

(B) The United States Congress;

(C) Any federal executive department or agency;

(D) The office of the Mayor of the District of Columbia;

(E) Any executive department or agency of the District of Columbia,

including any independent agency, board, or commission;

- (F) The Council of the District of Columbia;
- (G) The Superior Court of the District of Columbia;
- (H) The District of Columbia Court of Appeals;
- (I) The United States Court of Appeals for the District of Columbia;
- (J) The United States District Court for the District of Columbia; or
- (K) The Supreme Court of the United States.

(12) "Weapon of mass destruction" means:

(A) Any destructive device that is designed, intended, or otherwise used to cause death or serious bodily injury, including:

(i) An explosive, incendiary, or poison gas:

- (I) Bomb;
- (II) Grenade;
- (III) Rocket;
- (IV) Missile;
- (V) Mine; or

(VI) Device similar to any of the devices described in the

preceding clauses;

(ii) A mortar, cannon, or artillery piece; or

(iii) Any combination of parts either designed or intended for use in converting any device described into a device described in sub-subparagraphs (i) through (iii) of this paragraph and from which such device may be readily assembled;

(B) An object similar to or used to achieve the same destructive effect of any of the devices described in subparagraph (A) of this paragraph;

(C) Any weapon that is designed, intended, or otherwise used to cause death or serious bodily injury through the release, dissemination, or impact of a toxic or poisonous chemical;

(D) Any weapon that is designed, intended, or otherwise used to cause death or serious bodily injury through the release, dissemination, or impact of a biological agent or toxin; or

(E) Any weapon that is designed, intended, or otherwise used to cause death or serious bodily injury through the release, dissemination, or impact of radiation or radioactivity, or that contains nuclear material.

Sec. 103. Acts of terrorism; penalties.

(a) A person who commits first degree murder that constitutes an act of terrorism shall, upon conviction, be punished by imprisonment for life without the possibility of release.

(b) A person who commits murder of a law enforcement officer or public safety employee that constitutes an act of terrorism shall, upon conviction, be punished by

New  
§ 22-3153

imprisonment for life without the possibility of release.

(c) A person who commits murder in the second degree that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for life.

(d) A person who commits manslaughter that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for life.

(e) A person who commits kidnapping that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for life.

(f) A person who commits any assault with intent to kill that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more than 30 years.

(g) A person who commits mayhem or maliciously disfiguring another that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

(h) A person who commits arson that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

(i) A person who commits malicious burning, destruction, or injury of another's property, if such property is valued at \$500,000 or more, that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

(j) A person who attempts or conspires to commit first degree murder, murder of a law enforcement officer or public safety employee, murder in the second degree, manslaughter, or kidnapping that constitutes an act of terrorism may be punished by imprisonment for not more than 30 years.

(k) A person who attempts or conspires to commit any assault with intent to kill that constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

(l) A person who attempts or conspires to commit mayhem or maliciously disfiguring another, arson, or malicious burning, destruction, or injury of another's property, if such property is valued at \$500,000 or more, that constitutes an act of terrorism may, upon conviction, be punished by imprisonment of not more than 15 years.

(m) A person who provides material support or resources for an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

(n) A person who solicits material support or resources to commit an act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

Sec. 104. Manufacture or possession of a weapon of mass destruction.

(a) A person who manufactures or possesses a weapon of mass destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of property may, upon conviction, be punished by imprisonment for life.

(b) A person who attempts or conspires to manufacture or possess a weapon of mass destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of property may, upon conviction, be punished by imprisonment for not

New  
§ 22-3154

more than 30 years.

Sec. 105. Use, dissemination, or detonation of a weapon of mass destruction.

New  
§ 22-3155

(a) A person who uses, disseminates, or detonates a weapon of mass destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of property may, upon conviction, be punished by imprisonment for life.

(b) A person who attempts or conspires to use, disseminate, or detonate a weapon of mass destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of property may, upon conviction, be punished by imprisonment for not more than 30 years.

Sec. 106. Jurisdiction.

New  
§ 22-3156

There is jurisdiction to prosecute any person who participates in the commission of any offense described in this title if any act in furtherance of the offense occurs in the District of Columbia or where the effect of any act in furtherance of the offense occurs in the District of Columbia.

Subtitle B. Conforming Amendments.

Sec. 151. Section 2 (6) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(6)), is amended by adding the phrase “an act of terrorism, use, dissemination, or detonation of a weapon of mass destruction, manufacture or possession of a weapon of mass destruction” after the phrase “to commit the offense of,”.

Amend  
§ 4-501

Sec. 152. Section 608 of An Act Relating to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 739; D.C. Official Code § 5-117.05), is amended by striking the word “Whoever” and inserting the phrase “Except as provided in An Act To prevent the giving of false alarms of fires in the District of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319), whoever” in its place.

Amend  
§ 5-117.05

Sec. 153. Section 1 of An Act To prevent the giving of false alarms of fires in the District of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319), is amended as follows:

Amend  
§ 22-1319

(1) Designate the existing language as subsection (a).

(2) New subsections (b), (c), (d), (e) and (f) are added to read as follows:

"(b)(1) It shall be unlawful for any person to willfully or knowingly make, or cause to be made, a false or fictitious report to any individual which initiates a response by District of Columbia emergency personnel or officials, wherein such report involves, is alleged to involve,



or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass destruction, as defined by section 102(12) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373), within the District of Columbia.

“(2) It shall be a violation of this subsection for any person to willfully and knowingly give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction, as defined by section 102(3) of the Anti-Terrorism Act of 2002, to another person or to place any such hoax weapon of mass destruction in or upon any real or personal property.

“(3) Any person violating the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor and be punished by imprisonment of not more than one year or fined in an amount not to exceed the greater of \$10,000 or the costs of responding to and consequential damages resulting from the offense, or both.

“(c)(1) It shall be unlawful for anyone to willfully or knowingly, with the intent of intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing economic damage, make, or cause to be made, a false or fictitious report to any individual, which initiates a response by District of Columbia emergency personnel or officials, wherein such report involves, is alleged to involve, or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass destruction, as defined by section 102(12) of the Anti-Terrorism Act of 2002, within the District of Columbia.

“(2) It shall be a violation of this subsection for any person to willfully or knowingly, with the intent of intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing economic damage, give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction, as defined by section 102(12) of the Anti-Terrorism Act of 2002, to another person or to place any such hoax weapon of mass destruction in or upon any real or personal property.

“(3) Any person violating the provisions of this subsection shall, upon conviction, be guilty of a felony and may be punished by imprisonment of not more than 5 years or fined in an amount not to exceed the greater of \$50,000 or the costs of responding to and consequential damages resulting from the offense, or both.

“(d)(1) It shall be unlawful for any person to willfully or knowingly, during a state of emergency, as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304), with the intent of intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing economic damage, make, or cause to be made, a false or fictitious report to any individual, which initiates a response by District of Columbia emergency personnel or officials, wherein such report involves, is alleged to involve, or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass destruction, as defined by section 102(12) of the Anti-Terrorism Act of 2002, within the District of Columbia.

“(2) It shall be a violation of this subsection for any person to willfully or knowingly, during a state of emergency, as declared by the Mayor pursuant to section 5 of the

District of Columbia Public Emergency Act, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304), with the intent of intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing economic damage, give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction, as defined by section 102(3) of the Anti-Terrorism Act of 2002, to another person or to place any such hoax weapon of mass destruction in or upon any real or personal property.

“(3) Any person violating the provisions of this subsection shall, upon conviction, be guilty of a felony and may be punished by imprisonment of not more than 10 years or fined in an amount not to exceed \$100,000 or the cost of responding to and consequential damages resulting from the offense, or both.

“(e) For the purposes of subsections (b), (c), and (d) of this section, the manner in which the false or fictitious report is communicated may include, but is not limited to:

“(1) A writing;

“(2) An electronic transmission producing a visual, audio, or written result;

“(3) An oral statement; or

“(4) A signing.

“(f) There is jurisdiction to prosecute any person who participates in the commission of any offense described in this section if any act in furtherance of the offense occurs in the District of Columbia or where the effect of any act in furtherance of the offense occurs in the District of Columbia.”.

Sec. 154. Section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10-256; D.C. Official Code § 22-2106), is amended to read as follows:

Amend  
§ 22-2106

“(a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to know that the victim is a law enforcement officer or public safety employee, kills any law enforcement officer or public safety employee engaged in, or on account of, the performance of such officer’s or employee’s official duties, is guilty of murder of a law enforcement officer or public safety employee, and shall be sentenced to life without the possibility of release. It shall not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to seize the defendant or another person.

“(b) For the purposes of subsection (a) of this section, the term:

“(1) "Law enforcement officer" means:

“(A) A sworn member of the Metropolitan Police Department;

“(B) A sworn member of the District of Columbia Protective Services;

“(C) The Director, deputy directors, and officers of the District of Columbia Department of Corrections;

“(D) Any probation, parole, supervised release, community supervision, or

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pretrial services officer of the Court Services and Offender Supervision Agency or The Pretrial Services Agency;

"(E) Metro Transit police officers; and

"(F) Any federal, state, county, or municipal officer performing functions comparable to those performed by the officers described in subparagraphs (A), (C), (D), (E), and (F) of this paragraph, including but not limited to state, county, or municipal police officers, sheriffs, correctional officers, parole officers, and probation and pretrial service officers.

"(2) "Public safety employee" means:

"(A) A District of Columbia firefighter, emergency medical technician/paramedic, emergency medical technician/intermediate paramedic, or emergency medical technician; and

"(B) Any federal, state, county, or municipal officer performing functions comparable to those performed by the District of Columbia employees described in subparagraph (A) of this paragraph."

Sec. 155. Section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501), is amended by striking the phrase "manslaughter," in the definition for the term "crime of violence" and inserting the phrase "manslaughter, an act of terrorism, manufacture or possession of a weapon of mass destruction, use, dissemination, or detonation of a weapon of mass destruction," in its place.

Amend  
§ 22-4501

Sec. 156. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-113(a)(1) is amended to read as follows:

"(1) A prosecution for murder in the first or second degree, first degree murder that constitutes an act of terrorism, and second degree murder that constitutes an act of terrorism may be commenced at any time."

Amend  
§ 23-113

(b) Section 23-1331(4) is amended as follows:

Amend  
§ 23-1331

(1) A new subparagraph (A-1) is added to read as follows:

"(A-1) An act of terrorism;"

(2) A new subparagraph (L-1) is added to read as follows:

"(L-1) Manufacture or possession of a weapon of mass destruction;"

(3) A new subparagraph (O-1) is added to read as follows:

"(O-1) Use, dissemination, or detonation of a weapon of mass destruction;"

Sec. 157. Section 2(6) of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901(6)), is amended to read as

Amend  
§ 24-901

follows:

“(6) “Youth offender” means a person less than 22 years old convicted of a crime other than murder, first degree murder that constitutes an act of terrorism, and second degree murder that constitutes an act of terrorism.”.

Sec. 158. Section 2 of the DNA Sample Collection Act of 2001, effective November 10, 2001 (D.C. Law 14-52; 48 DCR 5934), is amended as follows: Amend  
§ 22-4251

(a) Paragraph (45) is amended by striking the word "and" at the end.

(b) New paragraphs (45A), (45B), and (45C) are added to read as follows:

"(45A) Section 102(1) of the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of bill 14-373) (act of terrorism);

"(45B) Section 104 of the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of bill 14-373) (manufacture or possession of a weapon of mass destruction);

"(45C) Section 105 of the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of Bill 14-373) (use, dissemination, or detonation of a weapon of mass destruction) and;”.

(c) Paragraph (46) is amended by striking the paragraph designation "(45)" and inserting the paragraph designation "(45C)" in its place.

#### Subtitle C. Fiscal Impact.

#### Sec. 161. Fiscal impact statement.

This title will have minimal to no fiscal impact because no additional staff or resources will be required. It is anticipated that the criminal provisions contained herein will only be enforced under rare circumstances, using existing staff and resources of the Metropolitan Police Department, the Department of Corrections, the Office of Corporation Counsel, the United States Attorney’s Office, and other federal agencies. To the extent that false reports are reduced as a result of the legislation, the Metropolitan Police Department may experience a decrease in costs associated with reported threats covered by the bill.

## TITLE II. DISTRICT RESPONSE PLAN

### Sec. 201. Short title.

This title may be cited as the “Public Emergency Amendment Act of 2002”.

Sec. 202. The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 7-2301(1)) is amended by striking the phrase “Emergency operations plan” and inserting the phrase “District of Columbia response plan” in its

Amend  
§ 7-2301

place.

(b) Section 3 (D.C. Official Code § 7-2302(a)) is amended as follows:

Amend  
§ 7-2302

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase "Office of Emergency Preparedness" and inserting the phrase "District of Columbia Emergency Management Agency" in its place.

(B) The lead-in language to paragraph (1) is amended by striking the phrase "emergency operations plan" and inserting the phrase "District of Columbia response plan" in its place.

(2) Subsection (b) is amended by striking the phrase "The Mayor shall publish in 2 consecutive editions of" and inserting the phrase "Except as provided in subsection (c) of this section, the Mayor shall publish in" in its place.

(3) New subsections (c), (d), and (e) are added to read as follows:

"(c) Any specific response plan, and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in section 102(1) of the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of Bill 14-373), shall be exempt from the requirements in subsection (b) of this section.

"(d) The Mayor shall review the District of Columbia response plan on an annual basis. Any revisions to the plan shall be published in the District of Columbia Register and forwarded to the Council pursuant to subsection (b) of this section.

"(e) Neither the District of Columbia, its independent agencies, employees, officers, or agents shall be held liable for damages for any actions taken within the scope of the individual's employment or voluntary service to implement the provisions of the District of Columbia response plan, except in instances of gross negligence."

(c) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

Amend  
§ 7-2304

(1) Paragraph 2 is amended by striking the phrase "emergency operations plan" and inserting the phrase "District of Columbia response plan" in its place.

(2) Paragraph 6 is amended by striking the phrase "emergency operations plan" and inserting the phrase "District of Columbia response plan" in its place.

Sec. 203. Fiscal impact statement.

This title has no fiscal impact because drafting the District of Columbia response plan and related processes are already accomplished using exiting staff and resources of District of Columbia agencies. This title may potentially have a positive fiscal impact in that it limits the liability of the District of Columbia government and its employees during a state of emergency.

TITLE III. FREEDOM OF INFORMATION ACT

Sec. 301 Short title.

This title may be cited as the "Freedom of Information Amendment Act of 2002".

Sec. 302. Section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

Amend § 2-534

(a) Paragraph (8) is amended by striking the word "and" at the end.

(b) Paragraph (9) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (10) is added to read as follows:

"(10) Any specific response plan, including any District of Columbia response plan, as that term is defined in the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1)), and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in section (102)(1) of the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of Bill 14-373)."

Sec. 303. Fiscal impact statement.

This title has no fiscal impact as it merely exempts certain provisions of the District of Columbia response plan from disclosure under the District of Columbia's Freedom of Information Act.

TITLE IV. EMERGENCY MEDICAL SERVICES PERSONNEL LIABILITY

Sec. 401. Short title.

This title may be cited as the "Good Samaritan State of Emergency Amendment Act of 2002".

Sec. 402. Section 1 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-401), is amended as follows:

Amend § 7-401

(a) A new subsection (d-1) is added to read as follows:

"(d-1) If the Mayor of the District of Columbia declares a state of emergency pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304), any act or omission of an emergency medical technician/paramedic ("Paramedic"), an emergency medical technician/intermediate paramedic ("EMT/I"), or an emergency medical technician ("EMT"), performed while providing advanced or basic life support to a patient or trauma victim shall not impose liability upon the Paramedic, EMT/I, or EMT, or any employer of the Paramedic, EMT/I, or EMT; provided, that the care is provided in good faith and does not constitute gross negligence."

(b) The lead-in language of subsection (e) is amended by striking the phrase "terms "emergency medical technician/paramedic" and "emergency medical technician/intermediate paramedic" mean" and inserting the phrase "terms "emergency medical technician/paramedic,"

"emergency medical technician/intermediate paramedic," and "emergency medical technician" mean" in its place.

Sec. 403. Fiscal impact statement.

This title has no fiscal impact and may potentially have a positive fiscal impact because it limits the liability of District of Columbia government employees during a state of emergency.

#### TITLE V. UNIFORM CONTROLLED SUBSTANCES

Sec. 501. Short title.

This title may be cited as the "Uniform Controlled Substances Amendment Act of 2002".

Sec. 502. Section 605 of the District of Columbia Uniform Controlled Substances Act of 1981, effective November 17, 1981 (D.C. Law 4-52; D.C. Official Code § 48-931.02), is amended by striking the phrase "nurse or intern" and inserting the phrase "nurse, certified emergency medical technician/paramedic, certified emergency medical technician/intermediate paramedic, or intern" in its place. Amend  
§ 48-931.02

Sec. 503. Applicability.

This title shall apply as of one year after the effective date of the Omnibus Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of Bill 14-373).

Sec. 504. Fiscal impact statement.

This title has no fiscal impact because it merely authorizes additional powers, the implementation of which is the subject of ongoing protocol development and training of existing staff within the Fire and Emergency Medical Services Department.

#### TITLE VI. EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Sec. 601. Short title.

This title may be cited as the "Emergency Management Assistance Compact Act of 2002".

New Chapter  
23A,  
Title 7

Sec. 602. Findings.

(a) The terrorist attacks on September 11, 2001 in New York, Virginia, and Pennsylvania, resulting in grievous loss of life and the concomitant disruption of our national regional services, highlight the need for, and value of, intergovernmental planning and programming at the state level, including the District of Columbia.

New  
§ 7-2331

(b) Mutual assistance between the states entering into this compact and the District of Columbia is also needed for the management of any emergency or disaster that is duly declared by the governor of a state, or the Mayor of the District of Columbia, whether arising from

natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

(c) There is also a need for mutual assistance between the states and the District of Columbia fostering cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions thereof during emergencies, such actions occurring outside actual declared emergency periods.

(d) The United States Congress issued the Emergency Management Assistance Compact (EMAC) Joint Resolution (Pub. L. No. 104-321) on October 19, 1996, authorizing states, including the District of Columbia, to join in the EMAC.

Sec. 603. The Mayor is hereby authorized to execute, on behalf of the District of Columbia, the Emergency Management Assistance Compact in the form substantially as follows:

New  
§ 7-2332

“Emergency Management Assistance Compact

“Article I

“Purpose and Authorities

“(a) This compact is made and entered into by and between the participating member states that enact this compact, hereinafter called party states. For the purposes of this compact, the term “states” is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U. S. territorial possessions.

“(b) The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the Governor (Mayor) of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

“(c) This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivision of party states during emergencies, such actions occurring outside actual declared emergency period. Mutual assistance in this compact may include the use of the states’ National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

“Article II

“General Implementation

“(a) Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is



because few, if any, individual states have all the resources they may need in all types of emergencies of delivering resources to areas where emergencies exist.

“(b) The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

“(c) On behalf of the Governor (Mayor) of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

“Article III

“Party State Responsibilities

“(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

“(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack.

“(2) Review party states’ individual emergency plans and develop a plan that will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

“(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

“(4) Assist in warning communities adjacent to or crossing the state boundaries.

“(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

“(6) Inventory and set procedures for the interstate loan and deliver of human and material resources, together with procedures for reimbursement or forgiveness.

“(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

“(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this compact shall apply only to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

“(1) A description of the emergency service function for which assistance is

needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting party’s response and a point of contact at that location.

“(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

“Article IV

“Limitations

“(a) Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

“(b) Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the Governor of the party state, or the Mayor of the District of Columbia, that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state(s), whichever is longer.

“Article V

“Licenses and Permits

“Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting state, or Mayor of the District of Columbia, may

prescribe by executive order or otherwise.

“Article VI

“Liability

“Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

“Article VII

“Supplementary Agreements

“Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

“Article VIII

“Compensation

“Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

“Article IX

“Reimbursement

“Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provisions of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VII expenses shall not be reimbursable under this article.

“Article X

“Evacuation

“Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and the like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

“Article XI

“Implementation

“(a) This compact shall become effective with respect to the District of Columbia immediately upon its enactment into law.

“(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but such withdrawal shall not take effect until 30 days after the Governor of the withdrawing state, or the Mayor of the District of Columbia, has given notice in writing of such withdrawal to the Governors of all other party states (or to the Mayor of the District of Columbia). Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

“(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each party state and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

“Article XII

“Validity

“This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provisions of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

“Article XIII

“Additional Provisions

“Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, of for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under § 1385 of Title 18 of the United States Code.

“Article XIV

“District of Columbia Provisions

“(a) Absent congressional authority to the contrary, with respect to the District of Columbia, no provision of this contract shall supercede the requirements of 31 U.S.C. § 1341(a)(1)(A) or of section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

“(b) The District of Columbia may purchase liability insurance to ensure against debts and obligations that may be incurred as a result of its participation in any mutual aid agreement authorized by, and entered into, pursuant to this act.”.

Sec. 604. Fiscal impact statement.

Consistent with a fiscal impact statement prepared by the Chief Financial Officer for the Emergency Management Assistance Compact Emergency Act of 2002, effective February 25, 2002 (D.C. Act 14-281; 51 DCR 2296), funds are sufficient in the FY 2002 through FY 2005 budget and financial plan to implement the proposed legislation because no additional staff or resources will be required. It is anticipated that the provisions contained herein will be implemented using existing staff and resources of District of Columbia agencies. The proposed legislation will have no effect on General Fund revenue.

TITLE VII. POLICE AND FIRE BADGE PROTECTION

Sec. 701. Short title.

This title may be cited as the “Badge Protection Act of 2002”.

New  
§ 22-1409

Sec. 702. Use of official insignia; penalty for unauthorized use.

(a) The Metropolitan Police Department and the Fire and Emergency Medical Services Department shall have the sole and exclusive rights to have and use, in carrying out their respective missions, the official badges, patches, emblems, copyrights, descriptive or designating marks, and other official insignia displayed upon their current and future uniforms.

(b) Any person who, for any reason, makes or attempts to make unauthorized use of, or aids or attempts to aid another person in the unauthorized use or attempted unauthorized use of the official badges, patches, emblems, copyrights, descriptive or designated marks, or other official insignia of the Metropolitan Police Department or the Fire and Emergency Medical Services Department shall, upon conviction, be fined not more than \$1,000, imprisoned for not

more than one year, or both.

Sec. 703. Fiscal impact statement.

This title will have minimal to no fiscal impact. It is anticipated that the criminal provisions contained herein will be enforced using existing staff and resources of the Metropolitan Police Department, the Office of Corporation Counsel, the United States Attorney's Office, and other federal agencies.

TITLE VIII. TELEPHONIC SEARCH WARRANT

Sec. 801. Short title.

This title may be cited as the "Telephonic Application for Search Warrant Authorization Act of 2002".

Sec. 802. Section 23-522(a) of the D.C. Official Code is amended to read as follows:

Amend  
§ 23-522

"(a) Each application for a search warrant shall be made in writing, or by telephone or other appropriate means, including facsimile transmissions or other electronic communications, upon oath or affirmation to a judicial officer, pursuant to the Superior Court Rules of Criminal Procedure."

Sec. 803. Fiscal impact statement.

This title will have minimal to no fiscal impact. It is anticipated that the provisions contained herein will be implemented using existing staff and resources of the Metropolitan Police Department, the United States Attorney's Office, and the Superior Court of the District of Columbia.

TITLE IX. PUBLIC HEALTH EMERGENCY

Sec. 901. Short title.

This title may be cited as the "Public Health Protection Amendment Act of 2002".

Sec. 902. An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-132) is amended to read as follows:

Amend  
§ 7-132

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Affected with a communicable disease" means a person infected with a communicable disease or exposed to a chemical or radiological agent who is capable of infecting others with the same disease or chemical or radiological agent if permitted to move freely in the

general public, or a person who, while not infected with a communicable disease or exposed to a chemical or radiological agent, is a carrier of, or contaminated with, an infectious disease or chemical or radiological agent and capable of infecting others with the disease or chemical or radiological agent.

"(2) "Communicable disease" means any disease:

"(A) Denominated a reportable disease pursuant to section 1, including any illness due to an infectious agent or its toxic product that is transmitted:

"(i) Directly or indirectly to a well person from an infected person, animal, or ectoparasite; or

(ii) Through the agency of an intermediate host or vector, or by exposure to chemical or radiological agents within the immediate environment; or

"(B) Occurring as an outbreak of illness or toxic conditions, regardless of etiology, in an institution or other identifiable group of people."

(b) Section 3 (D.C. Official Code § 7-133) is amended to read as follows:

Amend § 7-133

"Sec. 3. Persons believed to be carriers of communicable diseases – Order for removal.

"(a) Whenever the Mayor, after consultation with the Director of the Department of Health, has probable cause to believe that a person is affected with a communicable disease or is a carrier of a communicable disease and that the person's presence in the general population is likely to cause death or seriously impair the health of others, the Mayor may, by written order, direct the removal of that person for the purpose of isolation, quarantine, or treatment. The order shall state a place of detention within the District of Columbia or outside of the District of Columbia; provided, that any place of detention outside the District of Columbia is under the supervision of the District of Columbia government.

"(b) The order shall be executed by a member of the Metropolitan Police Department or any designated employee of the District of Columbia. The person executing the order shall inform the person subject to the order of its contents and provide the person with a copy of the order.

"(c) Whenever the Mayor, after consultation with the Director of the Department of Health, has probable cause to believe that one or more groups of people at one or more locations are affected with a communicable disease and that the group's ability to move freely in the general population is likely to cause death or seriously impair the health of others, the Mayor may, by written order, direct the removal or detention of any such group for the purpose of isolation, quarantine, or treatment. The order shall state the bounds of the area subject to the order, and the person or persons executing the order shall inform, by reasonable means, all persons within the bounds of the detention area of the contents of the order and post a copy of the order in a conspicuous place in the bounds of the detention area."

(c) Section 4 (D.C. Official Code § 7-134) is amended to read as follows:

Amend § 7-134

"Sec. 4. Persons believed to be carriers of communicable diseases – Detention; expiration of order; continuation; hearing on detention; minors.

"(a) A copy of the order provided for in section 3 shall be delivered to the person in charge of any place or institution where a person or group of persons has been taken or detained, or, if the place of detention is a residence, to any person of suitable age and discretion then present in the residence. The order shall constitute the authority for detention until the order expires. The order shall expire within 24 hours of its issuance unless a judge of the Superior Court of the District of Columbia continues its force and effect for a longer period. The judge shall continue the force and effect of an order if the judge finds that probable cause exists to believe that the detained person's presence in the general population is likely to cause death or seriously impair the health of others.

"(b) If a judge continues an order, any person or group of persons detained pursuant to the order may petition for a hearing to determine whether the person or group of persons is affected with a communicable disease, and, if the person or group of persons is affected with a communicable disease, whether release of the person or group of persons into the general population is likely to cause death or seriously impair the health of others. The hearing shall take place as soon as practicable, but no later than 10 days after the court receives the petition."

(d) Section 5 (D.C. Official Code § 7-135) is amended to read as follows:

Amend § 7-135

"Sec. 5. Persons believed to be carriers of communicable diseases – Examination; diagnosis; detention for quarantine; discharge; public hearing.

"(a) The Mayor shall cause to be conducted, by medical personnel designated by the Mayor, medical examinations of all detained persons to determine whether any detained person is affected with a communicable disease and immediately discharge any person who is not affected with a communicable disease. The diagnosis resulting from the examination shall be in writing and signed by the examining physician. A copy of the signed diagnosis shall be retained by any person in charge of the place or institution of detention, or, if the place of detention is a residence, by any person of suitable age and discretion who resides there. A copy of the signed diagnosis also shall be given to the detained person for whom the diagnosis was made. Another copy of the signed diagnosis shall be transmitted to the appropriate health official as designated by the Mayor.

"(b) A person who has been diagnosed as being affected with a communicable disease may be detained for as long as necessary to protect the public health. A person detained pursuant to this subsection may at any time petition the Superior Court of the District of Columbia for a discharge hearing. A person detained pursuant to this subsection who chooses to petition the Superior Court of the District of Columbia for a discharge hearing shall be provided with counsel if the person detained cannot afford counsel."

(e) Section 6 (D.C. Official Code § 7-136) is amended by striking the phrase "Health Officer" and inserting the word "Mayor" in its place.

Amend § 7-136

(f) Section 7(a) (D.C. Official Code § 7-137(a)) is amended by striking the phrase "Health Officer" in the first sentence and inserting the word "Mayor" in its place.

Amend § 7-137  
Amend

(g) Section 8 (D.C. Official Code § 7-138) is amended by striking the phrase "Health



**ENROLLED ORIGINAL**

Officer" in the first sentence and inserting the word "Mayor" in its place.

§ 7-138  
Amend  
§ 7-140

(h) Section 10 (D.C. Official Code § 7-140) is amended by striking the last sentence.

Sec. 903. The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2301) is amended as follows:

Amend  
§ 7-2301

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

"(1) "Communicable disease" means that term as it is defined in section 2(2) of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-132(2))."

(3) A new paragraph (1B) is added to read as follows:

"(1B) "Health care provider" means any person or entity who provides health care services, including hospitals, medical clinics and officers, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers."

(4) Paragraph (3) is amended as follows:

(A) Subparagraph (G) is amended by striking the word "or" at the end.

(B) Subparagraph (H) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(C) A new subparagraph (I) is added to read as follows:

"(I) Outbreak of a communicable disease that threatens or causes damage to life, health, or property."

(b) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

Amend  
§ 7-2304

(1) Paragraph (12) is amended by striking the word "or" at the end.

(2) Paragraph (13) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(3) A new paragraph (14) is added to read as follows:

"(14) Detain for medical reasons any person for which there is probable cause to believe that the person is affected with a communicable disease and that the person's presence in the general population is likely to cause death or seriously impair the health of others pursuant to An Act To authorize the Commissioners of the District to Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*)".

(c) A new section 5a is added to read as follows:

"Sec. 5a. Issuance of public health emergency executive order.

Amend  
§ 7-2304.01

"(a) When the Mayor declares a public emergency pursuant to section 5, the Mayor may

issue an additional executive order to proclaim a public health emergency if the Mayor has reasonable cause to believe that there is an imminent hazard of or actual occurrence of any of the following harms:

“(1) A large number of deaths in the District of Columbia;

“(2) A large number of serious or long-term human health disabilities in the District of Columbia;

“(3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the District of Columbia; or

“(4) Use, dissemination, or detonation of a weapon of mass destruction, as defined by the Anti-Terrorism Act of 2002, passed on 2<sup>nd</sup> reading on May 7, 2002 (Enrolled version of Bill 14-373), in the District of Columbia.

“(b) An executive order issued pursuant to this section shall be subject to the publication requirements of section 7(d).

“(c) A public health emergency executive order shall specify:

“(1) The existence, nature, extent, and severity of the public health emergency;

“(2) The geographic areas subject to the declaration;

“(3) The conditions that have brought about the public health emergency, if known;

“(4) The measures necessary to relieve the public health emergency;

“(5) The specific requirements of the order and the persons upon whom the order is binding; and

“(6) The duration of the order, which shall be consistent with the provisions of section 7.

“(d) A public health emergency executive order may include terms that:

“(1) Require that the conduct and management of the affairs and property of licensed health care providers in the District of Columbia shall be such that they will reasonably assist and not unreasonably detract from the ability of the District of Columbia government to successfully respond to and control the public health emergency in accordance with the provisions of the District of Columbia response plan and of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*);

“(2) Appoint licensed health care providers, either from the District of Columbia or from other jurisdictions, as temporary agents of the District of Columbia; provided, that such appointments are:

“(A) In effect solely for the duration of the public health emergency;

“(B) In effect solely for the purpose of assisting the District of Columbia in implementing the provisions of the District of Columbia response plan and of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and

control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*);

“(C) Without compensation;

“(3) Exempt licensed health care providers, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the provider’s employment or voluntary service to implement the provisions of the District of Columbia response plan and of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), except in instances of gross negligence, and solely for the duration of the public health emergency; and

“(4) Waive any licensing requirements, permits, or fees otherwise required by District of Columbia law to allow health care providers from other jurisdictions appointed as temporary agents to respond to the public health emergency pursuant to this subsection; provided, that the appointed temporary agents are licensed in their home jurisdictions in their fields of expertise.

“(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue regulations to implement the provisions of this section.”.

(d) Section 7 (D.C. Official Code § 7-2306) is amended as follows:

Amend  
§ 7-2306

(1) Subsection (a) is amended by striking the phrase “Any emergency executive order” and inserting the phrase “An emergency executive order, or a public health emergency executive order,” in its place.

(2) Subsection (b) is amended by striking the phrase “An emergency executive order” and inserting the phrase “An emergency executive order, or a public health emergency executive order,” in its place.

(3) Subsection (d) is amended by striking the phrase “any emergency executive order” and inserting the phrase “any emergency executive order, or a public health emergency executive order,” in its place.

Sec. 904. Repeal.

Section 12 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-142), is repealed.

Repeal  
§ 7-142

Sec. 905. Fiscal impact statement.

This title has no fiscal impact because no additional staff or resources will be required to implement it. It is anticipated that the provisions contained herein will be implemented only under rare circumstances and using existing staff and resources of District of Columbia agencies.

**TITLE X. FISCAL IMPACT STATEMENT**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**TITLE XI. EFFECTIVE DATE**

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia