

COUNCIL OF THE DISTRICT OF COLUMBIA

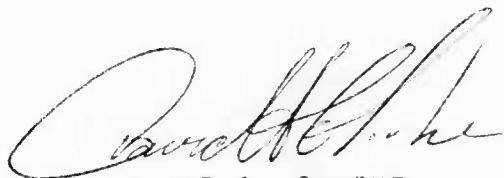
NOTICE

D.C. LAW 5-128

"District of Columbia Confidentiality of Library Records Act of 1984".

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. 5-401 on first and second readings, July 10, 1984 and September 12, 1984, respectively. Following the signature of the Mayor on October 1, 1984, this legislation was assigned Act No. 5-181, published in the October 19, 1984 edition of the D.C. Register, (Vol. 31 page 5187) and transmitted to Congress January 7, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-128, effective March 13, 1985.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

|          |                                   |
|----------|-----------------------------------|
| January  | 7,22,23,24,25,28,29,30,31         |
| February | 1,4,5,6,7,19,20,21,22,25,26,27,28 |
| March    | 1,4,5,6,7,8,11,12                 |

D.C. LAW 5 - 1 2 8

AN ACT

EFFECTIVE DATE MAR 1 3 1985

D.C. ACT 5 - 1 8 1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 0 1 1984

To protect the confidentiality of District of Columbia public library records and to prohibit the officers, employees, and agents of the public library from disclosing circulation records of library patrons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "District of Columbia Confidentiality of Library Records Act of 1984".

Sec. 2. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Code, sec. 37-101 et seq.), is amended by adding a new section 8 to read as follows:

New  
D.C. Code,  
sec. 37-  
106.2  
(1985 supp

"Sec. 8. (a) Circulation records maintained by the public library in the District of Columbia which can be used to identify a library patron who has requested, used, or borrowed identified library materials from the public library and the specific material that patron has requested, used, or borrowed from the public library, shall be kept confidential, except that the records may be disclosed to officers, employees, and agents of the public library to the extent necessary for the proper operation of the public library.

"(b)(1) Circulation records shall not be disclosed by

any officer, employee, or agent of the public library to a third party or parties, except with the written permission of the affected library patron or as the result of a court order.

"(2) A person whose records are requested pursuant to paragraph (1) may file a motion in the Superior Court of the District of Columbia requesting that the records be kept confidential. The motion shall be accompanied by the reasons for the request.

"(3) Paragraph (1) shall not operate to prohibit the officers of the public library from disclosing relevant information on a library patron to the Corporation Counsel of the District of Columbia or legal counsel retained to represent the public library in a civil action.

"(4) Within 2 working days after receiving a subpoena issued by the court for public library records, the public library shall send a copy of the subpoena and the following notice, by certified mail, to all affected library patrons:

"Records or information concerning your borrowing records in the public library in the District of Columbia are being sought pursuant to the enclosed subpoena.

"In accordance with the District of Columbia Confidentiality of Library Records Act of 1984, these records will not be released until 10 days from the date this notice was mailed.

"If you desire that these records or information not be released, you must file a motion in the Superior Court of

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the District of Columbia requesting that the records be kept confidential, and state your reasons for the request. A sample motion is enclosed.

"You may wish to contact a lawyer. If you do not have a lawyer, you may call the District of Columbia Bar Lawyer Referral Service.'

"(5) The public library shall not make available any subpoenaed materials until 10 days after the above notice has been mailed.

"(6) Upon application of a government authority, the notice required by paragraph (4) may be waived by order of an appropriate court if the presiding judge finds that:

"(A) The investigation being conducted is within the lawful jurisdiction of the government authority seeking the records.

"(B) There is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry.

"(C) There is reason to believe that the notice will result in:

"(i) endangering the life or physical safety of any person;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses; or

"(v) otherwise seriously

jeopardizing an investigation or official proceeding.

"(7) The term 'government authority', as used in paragraph (6), means any federal, state, or local government agency or department.

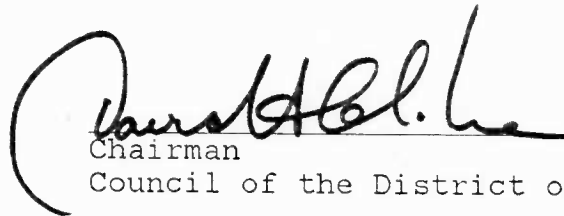
"(c) The board of library trustees may issue rules necessary to implement this section.

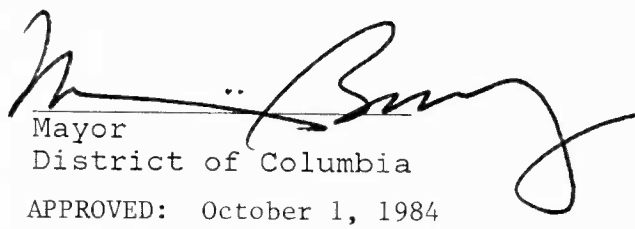
"(d) Unless otherwise authorized or required by law, any officer, employee, or agent of the public library who shall violate any provision of this section or any rules issued pursuant to it commits a misdemeanor, and upon conviction shall be punished by a fine of not more than \$300. The aggrieved public library patron may also bring a civil action against the individual violator for actual damages or \$250, whichever is greater, reasonable attorneys' fees, and court costs."

Sec. 3. This act shall take effect after a 30-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)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

1-233(c)(1)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: October 1, 1984

00304301700



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Five -- Second Session

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B5-401

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-10-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT \_\_\_\_\_ ( / / )

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE   |     |     |      |      | MOORE, JR.     |     |     |      |      | SPAULDING      |     |     |      |      |
| CRAWFORD       |     |     |      |      | RAY            |     |     |      |      | WILSON         |     |     |      |      |
| JARVIS         |     |     |      |      | ROLARK         |     |     |      |      | WINTER         |     |     |      |      |
| KANE           |     |     |      |      | SHACKLETON     |     |     |      |      |                |     |     |      |      |
| MASON          |     |     |      |      | SMITH, JR.     |     |     |      |      |                |     |     |      |      |

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

CERTIFICATION RECORD

*Sumner A. Smith (M.B.)*  
Secretary to the Council

9/11/84  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-12-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT \_\_\_\_\_ ( / / )

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE   |     |     |      |      | MOORE, JR.     |     |     |      |      | SPAULDING      |     |     |      |      |
| CRAWFORD       |     |     |      |      | RAY            |     |     |      |      | WILSON         |     |     |      |      |
| JARVIS         |     |     |      |      | ROLARK         |     |     |      |      | WINTER         |     |     |      |      |
| KANE           |     |     |      |      | SHACKLETON     |     |     |      |      |                |     |     |      |      |
| MASON          |     |     |      |      | SMITH, JR.     |     |     |      |      |                |     |     |      |      |

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

CERTIFICATION RECORD

*Sumner A. Smith (M.B.)*  
Secretary to the Council

9/15/84  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: -- RESULT \_\_\_\_\_ ( / / )

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE   |     |     |      |      | MOORE, JR.     |     |     |      |      | SPAULDING      |     |     |      |      |
| CRAWFORD       |     |     |      |      | RAY            |     |     |      |      | WILSON         |     |     |      |      |
| JARVIS         |     |     |      |      | ROLARK         |     |     |      |      | WINTER         |     |     |      |      |
| KANE           |     |     |      |      | SHACKLETON     |     |     |      |      |                |     |     |      |      |
| MASON          |     |     |      |      | SMITH, JR.     |     |     |      |      |                |     |     |      |      |

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

CERTIFICATION RECORD

Secretary to the Council

Date