



OFFICE OF THE  
SECRETARY

2016 DEC 16 PM 2:27

**MURIEL BOWSER**  
MAYOR

DEC 16 2016

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Attached for Council consideration, please find the "Tampering with a Detection Device Emergency Declaration Resolution of 2016;" "Tampering with a Detection Device Emergency Amendment Act of 2016;" and "Tampering with a Detection Device Temporary Amendment Act of 2016."


Currently, District law makes it illegal for a person to tamper with an electronic monitoring device that the person is required to wear as a condition imposed by the United States Parole Commission or the Superior Court of the District of Columbia. Electronic monitoring devices serve as a significant tool in monitoring offender compliance and are important to public safety, and therefore other public safety and justice agencies such as the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the Department of Corrections, have the authority to require individuals to wear the devices under certain circumstances. Because of a significant gap in existing District law, however, tampering with electronic monitoring devices required by these other public safety and justice agencies is not illegal. Closing this significant gap in the law will allow the agencies to more effectively track individuals under their supervision and creates an important deterrent and ensures that people who tamper with an electronic monitoring device will immediately be held accountable.

I urge Council to take prompt and favorable consideration of these proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, Section 103 of the Omnibus Public Safety and Justice Amendment Act of 2009 to make it unlawful to tamper with a detection device required by any custodial or supervision entity with authority over an individual subject to monitoring.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Tampering with a Detection Device Temporary Amendment Act of 2016”.

Sec. 2. Section 103 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)) is amended by striking the phrase “who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment, or who is required to wear a device while incarcerated,” and inserting the phrase “who is required to wear a device while incarcerated or committed, while subject to a protection order, or while on pretrial release, presentence release, predisposition release, supervised release, probation, or parole” in its place.

Sec. 3. Fiscal impact statement.

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

1           Sec. 4. Effective date.

2           (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
3 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
4 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
5 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
6 Columbia Register.

7           (b) This act shall expire after 225 days of its having taken effect.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



KARL A. RACINE  
ATTORNEY GENERAL

LEGAL COUNSEL DIVISION

**MEMORANDUM**

**TO:** Helder Gil  
Legislative and Policy Advisor  
Metropolitan Police Department

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** December 8, 2016

**SUBJECT:** Legal Sufficiency Review of Draft Legislation, the "Tampering with a Detection Device Emergency Amendment Act of 2016," the "Tampering with a Detection Device Emergency Declaration Resolution of 2016," and the "Tampering with a Detection Device Temporary Amendment Act of 2016" (AE-16-551-B)

---

**This is to Certify that** this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have questions regarding this certification, please do not hesitate to contact me at 724-5524.

  
\_\_\_\_\_  
Janet M. Robins