

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend section 23-1321 of the District of Columbia Official Code to allow defendants ordered released pre-trial by the Superior Court, upon request of defense counsel and with the knowing, intelligent, and voluntary consent of the defendant, to be transferred to the custody of the Department of Corrections for release from the Central Detention Facility or the Correctional Treatment Facility within 5 hours after the issuance of the release order; and to amend An Act To create a Department of Corrections in the District of Columbia to limit the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sanctuary Values Amendment Act of 2020".

Sec. 2. Section 23-1321 of the District of Columbia Official Code is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding any other provision of law, when issuing an order of release pursuant to this section, the court shall, upon request of defense counsel and with the knowing, intelligent, and voluntary consent of the defendant, order that the defendant be transferred to the custody of the Department of Corrections for release from the Central Detention Facility or Correctional Treatment Facility within 5 hours after the issuance of the order."

Sec. 3. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

"Sec. 7. Prohibition on cooperation with federal immigration agencies.

"(a) Absent a judicial warrant or order issued by a federal judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631 that authorizes a federal immigration agency to take into custody the person who is the subject of such warrant or order, the District of Columbia shall not:

“(1) Hold an individual in the District’s custody after that individual would have been otherwise released, except as provided in section 2a(c)(6);

“(2) Provide to any federal immigration agency an office, booth, or any facility or equipment for a generalized search of or inquiry about an individual in the District’s custody;

“(3) Permit any federal immigration agency to interview an individual in the District’s custody unless:

“(A) The federal immigration agency presents a judicial order authorizing the interview, or the interview is requested by the detained individual; and

“(B) The detained individual has counsel present or knowingly, intelligently, and voluntarily declines to have counsel present for the interview; or

“(4) Except with respect to individuals awaiting trial or sentencing for a federal criminal charge or serving a sentence for a federal criminal charge:

“(A) Provide to any federal immigration agency a space in a District detention facility to house, detain, or hold individuals for civil immigration enforcement purposes;

“(B) Provide to a federal immigration agency an individual’s date and time of release, location, address, personal identifying information, medical information, photograph, or criminal case information;

“(C) Grant any federal immigration agency access to any District detention facility or place, including a facility under the control of the Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, or the Metropolitan Police Department, for the purpose of releasing an individual into federal custody; or

“(D) Release an individual for the purpose of transferring the individual into the custody of any federal immigration agency.

“(b) The District shall not inquire into the immigration status of an individual in its custody.

“(c) The District shall conduct trainings of its employees on compliance with the provisions in this section.

“(d) The Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, and the Metropolitan Police Department shall transmit a report on January 1 of each year to the Mayor and the Council providing the following:

“(1) The number of requests for information or detainer made by a federal immigration agency, a breakdown of whether the requests were made regarding individuals held on local charges or on federal charges, whether the request was accompanied by a judicial warrant, and any action taken by the District agency in response to such a request;

“(2) The number of individuals released into the custody of a federal immigration agency, the date of each release, and the justification for each release; and

“(3) The types of information, anonymized and aggregated, that the agency shared with federal immigration agencies and whether it was at the request of a federal immigration agency.

“(e) Nothing in this section shall be construed to establish a right to counsel that does not otherwise exist in law.

“(f) Nothing in this section shall be construed to create a private right of action.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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).

Sec. 5. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia