

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 24.
PRISONERS AND THEIR TREATMENT.

CHAPTER 2.
PRISONS AND PRISONERS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 2. PRISONS AND PRISONERS.

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CHAPTER 2. PRISONS AND PRISONERS.

SUBCHAPTER I. PRISONS.

PART A. GENERAL.

§ 24-201.01. PLACE OF IMPRISONMENT; CUMULATIVE SENTENCES; JURISDICTION OF PROSECUTIONS.[REPEALED]

(Dec. 23, 1963, 77 Stat. 623, Pub. L. 88-241, § 21.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-401.

1973 Ed., § 24-401.

§ 24-201.02. IMPRISONMENT FOR MORE THAN 1 YEAR; JURISDICTION OVER REFORMATORY PRISONERS; TRANSFER FROM PENITENTIARY TO REFORMATORY.

Whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than 1 year by the court, the imprisonment during the term for which he may have been sentenced or during the residue of said term may be in some suitable jail, or penitentiary, or in the Reformatory of the District of Columbia; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the Reformatory of the District of Columbia and the imprisonment shall be in such penitentiary, jail, or the Reformatory of the District of Columbia as the Attorney General shall from time to time designate; provided, that the Mayor of the District of Columbia is vested with jurisdiction over such male and female prisoners as may be designated by the Attorney General for confinement in the Reformatory of the District of Columbia from the time they are delivered into his custody or into the custody of his authorized Superintendent, deputy, or deputies, and until such prisoners are released or discharged under due process of law; and provided further, that the residue of the term of imprisonment of any person who has prior to July 1, 1916, been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than 1 year by the court may be in the Reformatory of the District of Columbia instead of the penitentiary where such persons may be confined on July 1, 1916, and the Attorney General, when so requested by the Mayor of the District of Columbia, is authorized to, and he shall, deliver into the custody of the Superintendent of said Reformatory or his deputy or deputies any such person confined in any penitentiary in pursuance of any judgment of conviction in and sentence by any court in the District of Columbia, and the Mayor of the District of Columbia is vested with jurisdiction over such prisoners from the time they are delivered into the custody of said Superintendent or his duly authorized deputy or deputies, including the time when they are in transit between such penitentiary and the Reformatory of the District of Columbia, and during the period they are in such Reformatory or until they are released or discharged under due process of law. The Attorney General shall pay the cost of the maintenance of said prisoners so transferred, said payment to be from appropriations for support of convicts, District of Columbia, in like manner as payments are made for the support of District convicts in federal penitentiaries. Nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls.

(Sept. 1, 1916, 39 Stat. 711, ch. 433.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-402.

1973 Ed., § 24-402.

References in Text

The National Training School for Boys, referred to in the last sentence of this section, was closed pursuant to an order of the Attorney General, dated May 15, 1968.

The National Training School for Girls, referred to in the last sentence of this section, was terminated by the Act of August 3, 1951, 65 Stat. 154, ch. 291, § 1, which provided that no new commitments to the School should be made after August 3, 1951.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.03. TRANSFER FROM JAIL TO WORKHOUSE.

The United States District Court for the District of Columbia, Superior Court of the District of Columbia, the Attorney General, and the Superintendent of the Washington Asylum and Jail, when so requested by the Mayor of the District of Columbia, shall deliver into the custody of the Superintendent or the authorized deputy or deputies of said Superintendent of the Workhouse, male and female prisoners sentenced to confinement in said Jail for offenses against the common law or against statutes or ordinances relating to the District of Columbia, and, in the discretion of the United States District Court for the District of Columbia, Superior Court of the District of Columbia, and the Attorney General, male and female prisoners serving sentence in said Jail for offenses against the United States, for such work or services as may be necessary, in the discretion of the Mayor of said District, in connection with the construction, maintenance, and operation of said Workhouse, or the prosecution of any other public work at said institution or in the District of Columbia; provided, that, on the direction of said Mayor, male and female prisoners confined in any existing workhouse existing on March 2, 1911, or in the Washington Asylum and Jail of the District of Columbia shall be delivered into the custody of said Superintendent or the authorized deputy or deputies of said Superintendent aforesaid, to perform similar work or services to those hereinbefore required of male and female prisoners serving sentences in the District of Columbia Jail; provided further, that, the Mayor of the District of Columbia is hereby vested with jurisdiction over such male and female prisoners from the time they are so delivered into the custody of said Superintendent or the duly authorized deputy or deputies of said Superintendent, including the time when such prisoners are in transit between the District of Columbia and the site acquired for such Workhouse, and during the period such prisoners are on such site or in the District of Columbia until they are released or discharged under due process of law.

(Mar. 2, 1911, 36 Stat. 1002, ch. 192; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 590, Pub. L. 91-358, title I, § 171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-403.

1973 Ed., § 24-403.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.04. COMMUTATION OF FINE.

In all cases in the District of Columbia where a defendant is sent to jail or to the Workhouse in default of the payment of a fine he shall be released upon the payment of the balance of the fine due by him after crediting thereon as paid an amount equal to the proportion the time thus served by him in the Jail or Workhouse bears to the whole time he was to serve under the sentence.

(Mar. 3, 1901, 31 Stat. 1341, ch. 854, § 936.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-404.

1973 Ed., § 24-404.

§ 24-201.05. GOOD CONDUCT DEDUCTION.[REPEALED]

(Apr. 11, 1987, D.C. Law 6-218, § 9, 34 DCR 484.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-405.

1973 Ed., § 24-405.

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

§ 24-201.06. RELEASE IN DISTRICT.

All inmates of the Workhouse and Reformatory for the District of Columbia shall be returned to and released in said District on the day of the expiration of sentence.

(June 10, 1910, 36 Stat. 464, ch. 282.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-406.

1973 Ed., § 24-406.

§ 24-201.07. JAIL AND WASHINGTON ASYLUM COMBINED.

The Jail of the District of Columbia and the Washington Asylum of said District shall be combined as 1 institution, known as the Washington Asylum and Jail.

(Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-407.

1973 Ed., § 24-407.

§ 24-201.08. COMMITMENTS TO WASHINGTON ASYLUM AND JAIL.

Whenever and wherever authority of law exists to sentence, commit, order committed, or confine any person to or in the Jail of the District of Columbia or the Washington Asylum of said District, said authority shall be exercised by sentence, commitment, order of commitment, or confinement to or in said Washington Asylum and Jail.

(Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-408.

1973 Ed., § 24-408.

§ 24-201.09. [OMITTED]

§ 24-201.10. DETENTION OF UNITED STATES PRISONERS IN WASHINGTON ASYLUM AND JAIL.

The Department of Corrections is hereby authorized and directed to receive and keep in the Washington Asylum and Jail all prisoners committed thereto for offenses against the United States.

(Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-410.

1973 Ed., § 24-410.

References in Text

"Department of Corrections" was substituted for "Board of Public Welfare" pursuant to § 24-211.03.

§ 24-201.11. APPOINTMENT AND SUPERVISION OF PRISON PERSONNEL.

The superintendents and all other employees engaged on March 16, 1926, in the operation of the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail shall after March 16, 1926, be subject to the supervision of the Department of Corrections. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the Director of the Department of Corrections. The superintendent and all other employees of each of the institutions enumerated in this section shall be appointed by the Mayor of the District of Columbia upon nomination by the Department of Corrections and shall be subject to discharge by the Mayor upon recommendation of the Department of Corrections.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-411.

1973 Ed., § 24-411.

References in Text

"Department of Corrections" was substituted for "Board of Public Welfare" pursuant to § 24-211.03.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.12. EMPLOYMENT OF PRISONERS.

Persons sentenced to imprisonment in the Jail may be employed at such labor and under such regulations as may be prescribed by the Council of the District of Columbia and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

(Mar. 3, 1901, 31 Stat. 1379, ch. 854, § 1192; Mar. 16, 1926, 44 Stat. 209, ch. 58, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-412.

1973 Ed., § 24-412.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(211) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.13. COMMITMENT BY MARSHAL.

Nothing in §§ 24-201.12 and 24-201.15 shall be construed to impair or interfere with the authority of the Marshal of the District to commit persons to the Jail or to produce them in open court or before any judicial officer when thereto required.

(Mar. 3, 1901, 31 Stat. 1379, ch. 854, § 1193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-413.

1973 Ed., § 24-413.

§ 24-201.14. DELIVERY OF PRISONERS TO MARSHAL.

It shall be the duty of the Superintendent of the Washington Asylum and Jail to receive such prisoners and to deliver them to the Marshal or his duly authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer, as provided in § 24-201.13.

(Mar. 3, 1901, 31 Stat. 1379, ch. 854, § 1194; Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-414.

1973 Ed., § 24-414.

§ 24-201.15. ACCOUNTABILITY FOR SAFEKEEPING OF PRISONERS.

The Superintendent of the Washington Asylum and Jail shall be accountable for the safekeeping of all prisoners legally committed thereto.

(Mar. 3, 1901, 31 Stat. 1379, ch. 854, § 1191; Mar. 2, 1911, 36 Stat. 1003, ch. 192; Mar. 16, 1926, 44 Stat. 209, ch. 58, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-415.

1973 Ed., § 24-415.

§ 24-201.16. ANNUAL REPORT BY SUPERINTENDENT.

The Superintendent of the Washington Asylum and Jail shall annually, in the month of November, make a detailed report to the Attorney General.

(Mar. 3, 1901, 31 Stat. 1379, ch. 854, § 1197; Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-416.

1973 Ed., § 24-416.

§ 24-201.17. EXECUTION OF JUDGMENTS IN CAPITAL CASES; FAILURE TO MAKE SPECIFIC APPROPRIATION NOT ABOLITION OF POSITION.

The Superintendent of the Washington Asylum and Jail appointed by the Mayor of the District of Columbia is hereby directed, authorized, and required to execute the judgments of the law prior to March 4, 1923, pronounced and thereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases, and the power prior to March 4, 1923, given to and now vested in such Mayor to appoint such Superintendent and all appointments to the position of such Superintendent made by such Mayor are hereby ratified and confirmed; and any failure on the part of Congress, either prior to or after March 4, 1923, to make a specific appropriation for the salary or compensation of such Superintendent shall not be construed either as an abolition of such position of Superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such Mayor to appoint such Superintendent.

(Mar. 4, 1923, 42 Stat. 1533, ch. 292.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-417.

1973 Ed., § 24-417.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.18. SALE OF PRODUCTS OF WORKHOUSE AND REFORMATORY.[REPEALED]

(June 5, 1920, 41 Stat. 869, ch. 234; Feb. 28, 1923, 42 Stat. 1357, ch. 148, § 1; June 28, 1944, 58 Stat. 533, ch. 300, § 18; 1973 Ed., § 24-418; May 8, 1996, D.C. Law 11-117, § 17(c), (d), 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-418.

1973 Ed., § 24-418.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(212) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the

Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.19. SALE OF GUN MOUNTINGS.[REPEALED]

(June 1, 1957, 71 Stat. 45, Pub. L. 85-45, § 1; 1973 Ed., § 24-418a; May 8, 1996, D.C. Law 11-117, § 17(c), (d), 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-418a.

1973 Ed., § 24-418a.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.20. [OMITTED]

§ 24-201.21. GROUNDS OF JAIL INCREASED.

The buildings and grounds adjoining the Washington Asylum in the District of Columbia, used prior to June 16, 1880, as a naval and army magazine are added to the grounds of the Washington Asylum and Jail and subjected to the control of the Mayor of the District of Columbia as part of the Asylum until otherwise ordered.

(June 16, 1880, 21 Stat. 270, ch. 235; Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-420.

1973 Ed., § 24-420.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.22. PAYMENT FOR SUBSISTENCE OF PRISONERS.

There shall be allowed and paid by the Attorney General for the subsistence of prisoners in the custody of any marshal of the United States and the Superintendent of the Washington Asylum and Jail in the District of Columbia such sum as it reasonably and actually costs to subsist them. And it shall be the duty of the Attorney General to prescribe such regulations for the government of the marshals and the Superintendent of the Washington Asylum and Jail in the District of Columbia in relation to their duties under §§ 24-201.12 to 24-201.16 and this section as will enable him to determine the actual and reasonable expenses incurred.

(Mar. 3, 1901, 31 Stat. 1380, ch. 854, § 1204; Mar. 2, 1911, 36 Stat. 1003, ch. 192.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-421.

1973 Ed., § 24-421.

§ 24-201.23. PAYMENT FOR MAINTENANCE OF JAIL.

All expenses incurred for maintenance of the Jail of the District of Columbia and for support of prisoners therein shall be paid out of the revenues of the District of Columbia, and estimates for such expenses shall each year be submitted in the annual estimates for the expenses of the government of the District of Columbia.

(Aug. 18, 1894, 28 Stat. 417, ch. 301; June 29, 1922, 42 Stat. 668, ch. 249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-422.

1973 Ed., § 24-422.

§ 24-201.24. REIMBURSEMENT OF UNITED STATES.

The United States shall be reimbursed, as heretofore, for the maintenance of District of Columbia inmates, and all sums paid by such District for such maintenance for the service of the fiscal year 1927 and subsequent fiscal years shall be covered into the Treasury as "miscellaneous receipts."

(Apr. 29, 1926, 44 Stat. 347, ch. 195, title II.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-423.

1973 Ed., § 24-423.

§ 24-201.25. CHARGE AGAINST DISTRICT FOR CARE OF CONVICTS.

The cost of the care and custody of District of Columbia convicts in any federal penitentiary shall be charged against the District of Columbia in quarterly accounts to be rendered by the disbursing officer of said penitentiary; and the amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of District of Columbia convicts confined in the penitentiary during the quarter by the per capita cost for all prisoners in such penitentiary for the same quarter but excluding expenses of construction or extraordinary repair of buildings.

(Mar. 3, 1915, 38 Stat. 869, ch. 75, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-424.

1973 Ed., § 24-424.

§ 24-201.26. PLACE OF IMPRISONMENT.

All prisoners convicted in the District of Columbia for any offense, including violations of municipal regulations and ordinances and acts of Congress in the nature of municipal regulations and ordinances, shall be committed, for their terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the District of Columbia government, the federal government, or otherwise, or whether within or without the District of Columbia. The Attorney General is also authorized to order the transfer of any such person from one institution to another if, in his judgment, it shall be for the well-being of the prisoner, or relieve overcrowding or unhealthful conditions in the institution where such prisoner is confined, or for other reasons.

(July 15, 1932, ch. 492, § 11; June 6, 1940, 54 Stat. 244, ch. 254, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-425.

1973 Ed., § 24-425.

§ 24-201.27. REWARDS.

The Mayor of the District of Columbia, pursuant to regulations prescribed by the Council of the District of Columbia, is authorized to provide for the payment of rewards for the capture, or for information leading to the apprehension, of fugitives from District of Columbia penal, correctional, and welfare institutions and of conditional release and parole violators. Funds appropriated pursuant to this section shall be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Mayor of the District of Columbia. No reward money shall be paid to any officer or employee of the Metropolitan Police Department, or of any penal, correctional, or welfare institution, or of any court, legal agency, or other agency closely involved in the criminal justice system.

(Oct. 26, 1973, 87 Stat. 506, Pub. L. 93-140, § 11.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-426.

1973 Ed., § 24-426.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.28. DISCHARGE AND RELEASE PAYMENTS.

The Mayor of the District of Columbia is authorized to furnish each prisoner upon his release from a penal or correctional institution under the jurisdiction of the government of the District of Columbia with suitable clothing and, in the discretion of the Mayor, a sum of money, which shall not exceed \$100.

(Oct. 26, 1973, 87 Stat. 506, Pub. L. 93-140, § 12.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-427.

1973 Ed., § 24-427.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of

Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-201.29. INSTITUTIONAL GOOD TIME.[REPEALED]

(Aug. 20, 1994, D.C. Law 10-151, § 802, 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-428.

Emergency Act Amendments

For temporary repeal of section, see § 802 (a) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

Legislative History of Laws

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 24-221.01.

PART B. PRISON OVERCROWDING.[REPEALED]

§ 24-201.41. DEFINITIONS.[REPEALED]

(Nov. 14, 1987, D.C. Law 7-43, § 2, 34 DCR 5287; Nov 13, 2003, D.C. Law 15-39, § 1802(a), 50 DCR 5668; Jan. 30, 2004, D.C. Law 15-62, § 7, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-901.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1802(a) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1802(a) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

Law 7-43, the "Prison Overcrowding Emergency Powers Act of 1987," was introduced in Council and assigned Bill No. 7-177, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 30, 1987 and July 14, 1987, respectively. Signed by the Mayor on July 17, 1987, it was assigned Act No. 7-56 and transmitted to both Houses of Congress for its review.

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

Law 15-62, the "District of Columbia Jail Improvement Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-31, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on July 29, 2003, it was assigned Act No. 15-112 and transmitted to both Houses of Congress for its review. D.C. Law 15-62 became effective on January 30, 2004.

Miscellaneous Notes

Short title of title XVIII of Law 15-39: Section 1801 of D.C. Law 15-39 provided that title XVIII of the act may be cited as the Department of Corrections Procurement of Jail Bed Space Amendment Act of 2003.

§ 24-201.42. DECLARATION OF STATE OF EMERGENCY; REDUCTION OF MINIMUM AND MAXIMUM SENTENCES.[REPEALED]

(Nov. 14, 1987, D.C. Law 7-43, § 3, 34 DCR 5287; Jan. 30, 2004, D.C. Law 15-62, § 7, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-902.

Legislative History of Laws

For legislative history of D.C. Law 7-43, see Historical and Statutory Notes following § 24-201.41.

For Law 15-62, see notes following § 24-201.41.

§ 24-201.43. TERMINATION OF STATE OF EMERGENCY.[REPEALED]

(Nov. 14, 1987, D.C. Law 7-43, § 4, 34 DCR 5287; Jan. 30, 2004, D.C. Law 15-62, § 7, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-903.

Legislative History of Laws

For legislative history of D.C. Law 7-43, see Historical and Statutory Notes following § 24-201.41.

For Law 15-62, see notes following § 24-201.41.

§ 24-201.44. NEW HOUSING OR FACILITIES; RATED DESIGN CAPACITY.[REPEALED]

(Nov. 14, 1987, D.C. Law 7-43, § 5, 34 DCR 5287; Nov. 13, 2003, D.C. Law 15-39, § 1802(b), 50 DCR 5668; Jan. 30, 2004, D.C. Law 15-62, § 7, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-904.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1802(b) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1802(b) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For legislative history of D.C. Law 7-43, see Historical and Statutory Notes following § 24-201.41.

For Law 15-39, see notes following § 24-201.41.

For Law 15-62, see notes following § 24-201.41.

§ 24-201.45. EXCEPTION.[REPEALED]

(Nov. 14, 1987, D.C. Law 7-43, § 6, 34 DCR 5287; Nov. 13, 2003, D.C. Law 15-39, § 1802(c), 50 DCR 5668; Jan. 30, 2004, D.C. Law 15-62, § 7, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-905.

Emergency Act Amendments

For temporary (90 day) addition of § 24-201.61, see § 3002 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 1802(c) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1802(c) of Fiscal Year 2004 Budget Support

Legislative History of Laws

For legislative history of D.C. Law 7-43, see Historical and Statutory Notes following § 24-201.41.

For Law 15-39, see notes following § 24-201.41.

For Law 15-62, see notes following § 24-201.41.

PART C. DISTRICT OF COLUMBIA JAIL INMATE CAP.

§ 24-201.61. CAP ON SENTENCED PERSONS HOUSED AT DISTRICT OF COLUMBIA JAIL.

(a) Except as provided in subsection (b) of this section, the number of sentenced persons housed at the District of Columbia Jail (Central Detention Facility) by the Department of Corrections shall not exceed 2,050 at any time.

(b) If the Department of Corrections requires an exemption to the cap on the number of sentenced persons established by subsection (a) of this section, the Mayor shall transmit a resolution requesting an exemption to the Council for a 30-day period of review. The transmitted resolution requesting an exemption shall include the reasons for the exemption, the consequences if the exemption is not approved, and the time the exemption shall be in force. If the Council has not approved or disapproved the resolution requesting an exemption within the 30-day review period, the resolution requesting an exemption shall be deemed disapproved.

(Oct. 1, 2002, D.C. Law 14-190, § 3102, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

PART D. POPULATION CAPS AND DESIGN CAPACITY.

§ 24-201.71. CENTRAL DETENTION FACILITY REQUIREMENTS.

(a) The number of inmates housed at any one time in the Central Detention Facility shall not exceed the number of persons established by an independent consultant pursuant to subsection (c) of this section.

(b) Within 90 days of January 30, 2004, the Mayor shall develop and submit to the Council for a 30-day period of review, excluding days of Council recess, a plan for establishing the maximum number of inmates that can be housed at any one time within the Central Detention Facility. The plan shall consist of a contract with an independent consultant, who, upon approval of the plan by the Council, will determine the maximum number of inmates that can be housed at any one time within the Central Detention Facility based upon physical capacity, programming, classification system, and housing plan of the Central Detention Facility. If the Council does not approve or disapprove the plan, by resolution, within the 30-day period, the plan shall be deemed disapproved.

(c) The Mayor shall establish, by rule, the maximum number of inmates to be housed at any one time in the Central Detention Facility. The maximum number shall be determined by an independent consultant contracted with by the Mayor pursuant to the plan approved under subsection (b) of this section.

(d) One year following implementation of the population ceiling pursuant to subsection (a) of this section, the Mayor shall evaluate the results of the Central Detention Facility classification system, housing plan, and population ceiling, and shall propose modifications, if necessary. A copy of the evaluation shall be forwarded to the Council.

(e)(1) The Department of Corrections shall obtain accreditation by the American Correctional Association for the Central Detention Facility within 4 years of January 30, 2004, and shall meet all American Correctional Association requirements for recertification of the facility.

(2) Within 210 days of January 30, 2004, the Mayor shall forward to the Council an implementation plan by which the Department shall achieve accreditation for the Central Detention Facility by the American Correctional Association.

(Jan. 30, 2004, D.C. Law 15-62, § 5, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) Central Detention facility requirements, see § 4 of Jail Improvement Emergency Amendment Act of 2003 (D.C. Act 15-188, October 24, 2003, 50 DCR 9495).

Legislative History of Laws

For Law 15-62, see notes following § 24-101.

Delegation of Authority

Delegation of Authority Pursuant to D.C. Law 16-62, the District of Columbia Jail Improvement Amendment Act of 2003, see Mayor's Order 2006-53, May 9, 2006 (53 DCR 5305).

Resolutions

Resolution 15-484, the "Central Detention Facility Plan Emergency Approval Resolution of 2004", was approved March 2, 2004.

Miscellaneous Notes

Section 8 of D.C. Law 15-62 provides:

"Sec. 8. Applicability.

"Section 5(a) shall apply 210 days after the effective date of this act."

§ 24-201.72. NEW HOUSING OR FACILITIES FOR USE AS PRISONS; RATED DESIGN CAPACITY.

(a) After January 30, 2004, all new housing or facilities purchased, leased, constructed, or converted by the Department for use as a prison, except as provided in subsection (b) of this section, shall have only single occupancy rooms or cells and shall comply with all applicable federal and District of Columbia laws.

(b) Multiple occupancy or dormitory-style housing or facilities may be used in minimum security conditions only; provided, that the housing or facilities meet all applicable American Correctional Association standards related to multiple occupancy housing.

(c) After January 30, 2004, rated design capacity shall not include trailers, modular units, or bed space not designed for prison housing.

(d) In Fiscal Year 2004, the Department shall use not less than \$1.43 million of its appropriated funds to procure, in accordance with the requirements of this section, additional bed space for prisoners who otherwise would be housed within the Central Detention Facility of the D.C. Jail.

(e) For the purposes of this section, the term "rated design capacity" means the actual bed space in a prison facility as certified by the Department of Corrections utilizing the most recent standards established by the American Correctional Association and consistent with applicable federal and District of Columbia laws.

(Jan. 30, 2004, D.C. Law 15-62, § 6, 50 DCR 6574.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-62, see notes following § 24-101.

SUBCHAPTER II. DEPARTMENT OF CORRECTIONS.

PART A. GENERAL.

§ 24-211.01. CREATED.

There is created in and for the District of Columbia a Department of Corrections to be under the charge of a Director who shall be appointed by the Mayor of the District of Columbia.

(June 27, 1946, 60 Stat. 320, ch. 507, § 1.)

HISTORICAL AND STATUTORY NOTES

1981 Ed., § 24-441.

1973 Ed., § 24-441.

For temporary (90 day) addition, see § 3002 of Fiscal Year 2010 Budget Support Emergency Act of 2009 (D.C. Act 18-187, August 26, 2009, 56 DCR 7374).

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-211.02. POWERS; PROMULGATION OF RULES.

(a) Said Department of Corrections under the general direction and supervision of the Mayor of the District of Columbia shall have charge of the management and regulation of the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail, and be responsible for the safekeeping, care, protection, instruction, and discipline of all persons committed to such institutions. The Department of Corrections with the approval of the Council of the District of Columbia shall have power to promulgate rules and regulations for the government of such institutions and to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation.

(b) The Department of Corrections shall:

(1) Provide access to the Central Detention Facility, upon request and appointment, to members of the Corrections Information Council, or their staff, agents, or designees, for the purposes of conducting:

(A) Inspections of all areas accessible to inmates; and

(B) Unmonitored interviews of inmates in areas open to inspection under subparagraph (A) of this paragraph;

(2) Provide to the Council on a quarterly basis all internal reports relating to living conditions in the Central Detention Facility, including inmate grievances, the Crystal report, the monthly report on the Priority One environmental problems and the time to repair, the monthly report of the Environmental Safety Office, the monthly report on temperature control and ventilation, and the monthly report on the jail population that includes the number of people waiting transfer to the federal Bureau of Prisons and the average number of days that inmates waited for transfer;

(3) Initiate and maintain regular afternoon and evening visiting hours at the Central Detention Facility for a minimum of 5 days a week, including Saturdays and Sundays;

(4) Develop and implement a classification system and corresponding housing plan for inmates at the Central Detention Facility;

(5) Return to an inmate, upon the inmate's release from the Central Detention Facility, any personal identification documents collected from the inmate, including driver's licenses, birth certificates, and Social Security cards; and

(6) Not release inmates from the Central Detention Facility between the hours of 10 p.m. and 7 a.m.

(c) If exigent and unusual circumstances exist requiring the release of an inmate during the hours prohibited under paragraph (6) of subsection (b) of this section, the Department of Corrections shall:

(1) Prior to release, verify that:

(A) The inmate has a residence or other housing that the inmate is able to access and the inmate has agreed, in writing, to access the residence or housing at the time of the inmate's release; or

(B) A shelter is able and willing to receive the inmate at the time of the inmate's release and the inmate has agreed, in writing, to access the shelter at the time of the inmate's release;

(2) Provide the inmate with the clothing that the inmate wore upon intake to the Central Detention Facility or, if this clothing is not available, other clothing provided by the Department of Corrections;

provided, that the clothing is:

- (A) Appropriate for the weather;
 - (B) Not a jumpsuit; and
 - (C) Typical of street clothing worn by citizens in public;
- (3) Obtain written verification from the Central Detention Facility's healthcare provider ("provider") that, upon release, the inmate has a 7-day supply of all prescription medications the inmate is to continue taking upon release from custody and that the inmate has received release counseling, if medically recommended, from the provider within the preceding 7 days;
- (4) Have provided, within the 7 days prior to release, release counseling to the inmate, if the inmate is a sentenced inmate, on access to benefits and services available in the District to facilitate reentry;
- (5) Ensure that the inmate has transportation immediately available upon the inmate's release from the Central Detention Facility to transport the inmate to the housing identified in subparagraph (A) of this paragraph by:
- (A) A member of the Department of Corrections transportation unit;
 - (B) A taxi, at the Department of Corrections' expense; or
 - (C) A friend or family member.
- (6) Provide the inmate with the option of remaining within a Department of Corrections facility until release at 7 a.m.; and
- (7) Prior to the inmate's release, require that the warden of the Central Detention Facility certify, in writing, that the requirements of this paragraph have been met.
- (d) The Department of Corrections shall provide to the Council, on a quarterly basis, a list of all inmates who have been released between the hours of 10 p.m. and 7 a.m. The list shall include the following information for each inmate released:
- (1) The exigent and unusual circumstances that resulted in the inmate being released between 10 p.m. and 7 a.m.;
 - (2) The custody status of the inmate prior to release (e.g., pre-trial detention, sentenced misdemeanor);
 - (3) The reason for the inmate's release (e.g., completion of sentence, court order);
 - (4) The date and time the Department of Corrections received the release order from the court or other authority; and
 - (5) The date and time of the release.

(June 27, 1946, 60 Stat. 320, ch. 507, § 2; Jan. 30, 2004, D.C. Law 15-62, § 4, 50 DCR 6574; July 23, 2010, D.C. Law 18-190, § 2, 57 DCR 3397; Sept. 26, 2012, D.C. Law 19-171, § 80, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-442.

1973 Ed., § 24-442.

Effect of Amendments

D.C. Law 15-62 designated the existing language as subsection (a); and added subsec. (b).

D.C. Law 18-190 added subsecs. (b)(7) and (8).

D.C. Law 19-171 redesignated former subsecs. (b)(7) and (8) as subsecs. (c) and (d).

Temporary Amendments of Section

Section 2 of D.C. Law 15-30 designated the existing section as subsection (a); and added subsec. (b) to read as follows:

"(b) The Department of Corrections shall provide to the Council on a quarterly basis all internal reports relating to living conditions in the Central Detention Facility, including inmate grievances, the Crystal report, the monthly report on the Priority One environmental problems and the time to repair, the monthly report of the Environmental Safety Office, the monthly report on temperature control and ventilation, and the monthly report on the jail population that includes the number of people waiting transfer to the federal Bureau of Prisons and the average number of days that inmates waited for transfer."

Section 5(b) of D.C. Law 15-30 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 19-52, in subsec. (b), added "and" to the end of par. (4), substituted a period for "; and" at the end of par. (5), and repealed pars. (6), (7), and (8).

Section 4(b) of D.C. Law 19-52 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

Section 2(b) of D.C. Law 19-52 added a section to read as follows:

"Sec. 2a. Processing and release of inmates from the Central Detention Facility.

"(a) The Department of Corrections shall process and release an inmate from the Central Detention Facility within 5 hours of a court order granting his or her release, unless the inmate is to continue in confinement pursuant to another charge or warrant or, for an inmate who has completed his or her sentence, before noon on the inmate's scheduled release date.

"(b) The Department of Corrections shall establish, in coordination with the courts and the United States Marshals Service, procedures to ensure that inmates who have been ordered released by the court are returned to the Central Detention Facility as promptly as possible.

"(c) For an inmate released after 10 p.m., prior to release, the Department of Corrections shall:

"(1) Ensure that:

"(A) The inmate has a residence or other housing that the inmate is able to access and that the inmate has agreed, in writing, to access the residence or other housing at the time of his or her release; or

"(B) A shelter is able and willing to receive the inmate at the time of the inmate's release and that the inmate has agreed, in writing, to access the shelter at the time of his or her release;

"(2) Provide the inmate with the clothing that the inmate wore upon intake to the Central Detention Facility or, if this clothing is not available, other clothing that is:

"(A) Appropriate for the weather;

"(B) Not a jumpsuit; and

"(C) Typical of street clothing worn by citizens in public;

"(3) Obtain written verification from the Central Detention Facility's healthcare provider ("provider") that, upon release, the inmate has a 7-day supply of all prescription medications that the inmate is to continue taking following release from custody and that he or she has received release counseling, if medically recommended, from the provider within the preceding 7 days;

"(4) Have provided, within the 7 days prior to release, release counseling to the inmate, if the inmate is a sentenced inmate, on access to benefits and services available in the District to facilitate reentry;

"(5) Ensure that the inmate has transportation immediately available upon the inmate's release from the Central Detention Facility to transport the inmate to the housing or the shelter identified in paragraph (1) of this subsection provided by:

"(A) A member of the Department of Corrections' transportation unit;

"(B) A taxi, at the Department of Corrections' expense; or

"(C) A friend or family member;

"(6) Provide the inmate with the option of remaining within a Department of Corrections facility for release at 7 a.m.; and

"(7) Require that the warden of the Central Detention Facility certify, in writing, that the requirements of this subsection have been met.

"(d)(1) The Department of Corrections shall maintain an accurate record of the date and time of each inmate's release from the Central Detention Facility that shall be a matter of public record, which may be audited, upon request, by the Inspector General or the District of Columbia Auditor.

"(2) The Department of Corrections shall provide to the Council, on a quarterly basis, a list of all inmates who have been released in violation of this section. The list shall include the following information for each released inmate:

"(A) The custody status of the inmate prior to release, such as, for example, whether the inmate was in pre-trial detention or was a sentenced misdemeanor;

"(B) Whether the inmate's release was because of the completion of his or her sentence or pursuant to a court order;

"(C) The date and time that the Department of Corrections received the release order from the court or other authority; and

"(D) The date and time of the release."

Section 4(b) of D.C. Law 19-52 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 3 of the Lorton Regulations Approval Emergency Amendment

Act of 1996 (D.C. Act 11-187, January 25, 1996, 43 DCR 393).

For temporary (90 day) amendment of section, see § 2 of Central Detention Facility Monitoring Emergency Amendment Act of 2003 (D.C. Act 15-76, April 16, 2003, 50 DCR 3637).

For temporary (90 day) amendment of section, see § 2 of Central Detention Facility Monitoring Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-132, July 29, 2003, 50 DCR 6847).

For temporary (90 day) amendment of section, see § 3 of Jail Improvement Emergency Amendment Act of 2003 (D.C. Act 15-188, October 24, 2003, 50 DCR 9495).

For temporary (90 day) amendment of section, see § 2(a) of DOC Inmate Processing and Release Emergency Amendment Act of 2011 (D.C. Act 19-129, August 1, 2011, 58 DCR 6784).

For temporary (90 day) addition of section, see § 2(b) of DOC Inmate Processing and Release Emergency Amendment Act of 2011 (D.C. Act 19-129, August 1, 2011, 58 DCR 6784).

For temporary (90 day) amendment of section, see § 2(a) of DOC Inmate Processing and Release Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-196, October 18, 2011, 58 DCR 9164).

For temporary (90 day) addition of section, see § 2(b) of DOC Inmate Processing and Release Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19- 196, October 18, 2011, 58 DCR 9164).

For temporary (90 day) amendment of section, see § 2(a) of DOC Inmate Processing and Release Emergency Amendment Act of 2012 (D.C. Act 19-428, July 27, 2012, 59 DCR 9383).

For temporary (90 day) amendment of section, see § 2(b) of DOC Inmate Processing and Release Emergency Amendment Act of 2012 (D.C. Act 19-428, July 27, 2012, 59 DCR 9383).

For temporary (90 day) addition of section, see § 2(b) of DOC Inmate Processing and Release Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19- 509, October 26, 2012, 59 DCR 12804).

For temporary (90 day) amendment of section, see § 2(a) of DOC Inmate Processing and Release Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-509, October 26, 2012, 59 DCR 12804).

Legislative History of Laws

Law 15-30, the "Central Detention Facility Monitoring Temporary Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-237, and was retained by Council. The Bill was adopted on first and second readings on April 1, 2003, and May 6, 2003, respectively. Signed by the Mayor on May 16, 2003, it was assigned Act No. 15-81 and transmitted to both Houses of Congress for its review. D.C. Law 15-30 became effective on October 4, 2003.

For Law 15-62, see notes following § 24-101.

Law 18-190, the "Safe Release of Inmates Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-424, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on March 2, 2010, and March 16, 2010, respectively. Enacted without signature by the Mayor on April 8, 2010, it was assigned Act No. 18-379 and transmitted to both Houses of Congress for its review. D.C. Law 18-190 became effective on July 23, 2010.

For history of Law 19-171, see notes under § 24-101a.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(213) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-211.03. TRANSFER OF DUTIES, POWERS AND MATERIALS OF BOARD OF PUBLIC WELFARE.

With respect to the said institutions, the Mayor of the District of Columbia shall succeed to all the powers and authority, and to all the duties and obligations vested in or imposed by law upon the Board of Public

Welfare of the District of Columbia. Where powers are vested in or duties are imposed by existing law upon the Director of Public Welfare of the District of Columbia with respect to said institutions, such powers and duties are transferred to and shall be exercised by the Director of the Department of Corrections. The officers and employees and all plant and equipment, official records, furniture, and supplies of the said institutions are hereby transferred to the Department of Corrections.

(June 27, 1946, 60 Stat. 321, ch. 507, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-443.

1973 Ed., § 24-443.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-211.04. CONTINUANCE OF REGULATIONS.

All rules and regulations promulgated by the Board of Public Welfare with respect to said institutions shall continue in force and effect until amended or repealed by the Council of the District of Columbia.

(June 27, 1946, 60 Stat. 321, ch. 507, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-444.

1973 Ed., § 24-444.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(213) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-211.05. CONTINUANCE OF PRIOR CONTRACTS; PRIOR APPROPRIATIONS.

No contract for services or supplies made by the Board pursuant to authority granted to it by law shall be invalidated by this enactment and the unexpended balances of all appropriations heretofore or hereafter made for the Board with respect to said institutions shall become available for use by the Department of Corrections under the direction of the Mayor of the District of Columbia.

(June 27, 1946, 60 Stat. 321, ch. 507, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-445.

1973 Ed., § 24-445.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-211.06. CHARGE AGAINST UNITED STATES FOR CARE OF CONVICTS.

The cost of the care and custody of persons confined in the said institutions charged with or convicted of offenses under any law of the United States not applicable exclusively to the District of Columbia shall be charged against the department or agency of the United States primarily responsible for the care and custody of such persons in quarterly accounts to be rendered by the Director of the Department of Finance and Revenue. The amount to be charged for such care and custody shall be ascertained by multiplying the average daily number of such persons so confined during the quarter by the per capita cost for the same quarter for all prisoners in the institution where confined, excluding expenses of construction or extraordinary repair of buildings. The sum so derived shall be credited to the current appropriation for the maintenance and operation of such institutions.

(June 27, 1946, 60 Stat. 321, ch. 507, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-446.

1973 Ed., § 24-446.

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2 of Immigration Detainer Compliance Emergency Amendment Act of 2012 (D.C. Act 19-379, June 15, 2012, 59 DCR 7383).

For temporary (90 day) addition of section, see § 2 of Immigration Detainer Compliance Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19- 475, October 9, 2012, 59 DCR 12098).

References in Text

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

§ 24-211.07. [OMITTED]

**PART B. DEPARTMENT OF CORRECTIONS EMPLOYEE
MANDATORY DRUG AND ALCOHOL TESTING.**

§ 24-211.21. DEFINITIONS.

For the purposes of this part, the term:

- (1) "Applicant" means all persons who have filed any written employment application forms to work at the Department.
- (2) "Council" means the Council of the District of Columbia.
- (3) "Department" means the District of Columbia Department of Corrections.
- (4) "Director" means the Director of the District of Columbia Department of Corrections.

(5) "High potential risk employee" ("HPR employee") means any Department employee who has inmate care and custody responsibilities or who works within a correctional institution, including any employees and managers who are carried in a law enforcement retirement status.

(6) "Law enforcement retirement status" means any employee who contributes to the 7.5% retirement status category.

(7) "Post-accident employee" means any Department employee who, while on duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both.

(8) "Random testing" means drug or alcohol testing taken by Department employees at an unspecified time for the purposes of determining whether any Department employees have used drugs or alcohol and, as a result, are unable to satisfactorily perform their employment duties.

(9) "Reasonable suspicion" means a belief by a supervisor that an employee is under the influence of an illegal substance or alcohol to the extent that the employee's ability to perform his or her job is impaired. Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral.

(Sept. 20, 1996, D.C. Law 11-158, § 2, 43 DCR 3702.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-448.1.

Temporary Addition of Section

Temporary addition of subchapter: D.C. Law 11-91 added this subchapter.

Section 7(b) of D.C. Law 11-91 provided that the act shall expire after the 225th day of its having taken effect or on the effective date of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1995, whichever occurs first.

Emergency Act Amendments

For temporary addition of subchapter, see §§ 2 through 5 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Emergency Act of 1995 (D.C. Act 11-167, November 28, 1995, 42 DCR 6805) and §§ 2 through 5 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Congressional Review Emergency Act of 1996 (D.C. Act 11-208, February 14, 1996, 43 DCR 794).

Legislative History of Laws

Law 11-91, the "Department of Corrections Employee Mandatory Drug and Alcohol Testing Temporary Act of 1995," was introduced in Council and assigned Bill No. 11-461. The Bill was adopted on first and second readings on November 7, 1995, and December 5, 1995, respectively. Signed by the Mayor on December 18, 1995, it was assigned Act No. 11-174 and transmitted to both Houses of Congress for its review. D.C. Law 11-91 became effective on February 27, 1996.

Law 11-158, the "Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996," was introduced in Council and assigned Bill No. 11-463, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 7, 1996, and June 4, 1996, respectively. Signed by the Mayor on June 19, 1996, it was assigned Act No. 11-287 and transmitted to both Houses of Congress for its review. D.C. Law 11-158 became effective on September 20, 1996.

§ 24-211.22. EMPLOYEE TESTING.

(a) The following Department employees shall be tested for drug and alcohol use:

- (1) Applicants;
- (2) Those employees who have had a reasonable suspicion referral;
- (3) Post-accident employees, as soon as reasonably possible after the accident; and
- (4) HPR employees.

(b) Only HPR employees shall be subject to random testing.

(c) Employees shall be given at least a 30-day written notice from September 20, 1996, that the Department is implementing a drug and alcohol testing program and shall be given an opportunity to seek treatment. Following September 20, 1996, the Department shall procure a testing vendor and testing shall be implemented as described herein.

(Sept. 20, 1996, D.C. Law 11-158, § 3, 43 DCR 3702.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-448.2.

Temporary Addition of Section

Temporary addition of subchapter: See Historical and Statutory Notes following § 24-211.21.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 24-211.21.

Legislative History of Laws

For legislative history of D.C. Law 11-91, see Historical and Statutory Notes following § 24-211.21.

For legislative history of D.C. Law 11-158, see Historical and Statutory Notes following § 22-211.21.

§ 24-211.23. TESTING METHODOLOGY.

(a) Testing shall be performed by an outside contractor. The contractor shall be a laboratory certified by the United States Department of Health and Human Services ("HHS") to perform job related drug and alcohol forensic testing.

(b) For random testing, the contractor shall come on-site to the Department's institutions and shall collect urine specimens and split the samples. The contractor shall perform enzyme-multiplied-immunoassay technique ("EMIT") testing on one sample and store the split sample. Any positive EMIT test shall then be confirmed by the contractor using gas chromatography/mass spectrometry ("GCMS") methodology.

(c) Any Department employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to another HHS certified laboratory of his or her choice, at his or her expense, for secondary GCMS confirmation.

(d) Reasonable suspicion and post-accident employee testing shall follow the same procedures set forth in subsections (a) through (c) of this section. In such cases, the employee shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer.

(e) Any Department employee who operates a motor vehicle in the District of Columbia shall be deemed to have given his or her consent, subject to conditions in this subchapter, to the testing of the person's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has reasonable suspicion or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person was operating or in physical control of a motor vehicle within the District while that person's alcohol concentration was 0.08 grams or more per 210 liters of breath, while under the influence of an intoxicating liquor or any drug or any combination thereof, or while the ability to operate a motor vehicle was impaired by the consumption of an intoxicating beverage.

(f) A breathalyzer shall be deemed positive by the Department's testing contractor if the contractor determines that 210 liters of the employee's breath contains 0.08 grams or more of alcohol. A positive breathalyzer test shall be grounds for termination of employment in accordance with subchapter I of Chapter 6 of Title 1.

(Sept. 20, 1996, D.C. Law 11-158, § 4, 43 DCR 3702; Apr. 13, 1999, D.C. Law 12-227, § 3, 46 DCR 502; Mar. 2, 2007, D.C. Law 16-195, § 5, 53 DCR 8675.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-448.3.

Effect of Amendments

D.C. Law 16-195, in subsec. (e), substituted "alcohol concentration was 0.08 grams or more per 210 liters of breath" for "breath contained .08% or more, by weight, of alcohol"; and, in subsec. (f), substituted "210 liters of the employee's breath contains 0.08 grams or more of alcohol" for "1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol".

Temporary Addition of Section

Temporary addition of subchapter: See Historical and Statutory Notes following § 24-211.21.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 24-211.21.

For temporary amendment of section, see § 3 of the Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-599, January 20, 1999,

46 DCR 1147).

For temporary (90 day) amendment of section, see § 4(b) of Anti-Drunk Driving Clarification Emergency Amendment Act of 2006 (D.C. Act 16-469, July 31, 2006, 53 DCR 6764).

For temporary (90 day) amendment of section, see § 5 of Anti-Drunk Driving Clarification Second Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-518, October 27, 2006, 53 DCR 9104).

For temporary (90 day) amendment of section, see § 5 of Anti-Drunk Driving Clarification Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-6, January 16, 2007, 54 DCR 1452).

For temporary (90 day) amendment of section, see § 305 of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

For legislative history of D.C. Law 11-91, see Historical and Statutory Notes following § 24-211.21.

For legislative history of D.C. Law 11-158, see Historical and Statutory Notes following § 24-211.21.

Law 12-227, the "Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-625, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 11, 1998, it was assigned Act No. 12-548 and transmitted to both Houses of Congress for its review. D.C. Law 12-227 became effective on April 13, 1999.

Law 16-195, the "Anti-Drunk Driving Clarification Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-463, which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 18, 2006, it was assigned Act No. 16-488 and transmitted to both Houses of Congress for its review. D.C. Law 16-195 became effective on March 2, 2007.

§ 24-211.24. PROCEDURE AND EMPLOYEE IMPACT.

The drug testing policy shall be issued in advance to inform employees and allow them the opportunity to seek treatment. Thereafter, any confirmed positive test results or a refusal to submit to the test shall be grounds for termination of employment in accordance with subchapter I of Chapter 6 of Title 1. This testing program is for all employees, including management, and shall be implemented as a single Department program. The results of a random test may not be turned over to any law enforcement agency without the employee's written consent.

(Sept. 20, 1996, D.C. Law 11-158, § 5, 43 DCR 3702.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-448.4.

Temporary Addition of Section

Temporary addition of subchapter: See Historical and Statutory Notes following § 24-211.21.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 24-211.21.

Legislative History of Laws

For legislative history of D.C. Law 11-91, see Historical and Statutory Notes following § 24-211.21.

For legislative history of D.C. Law 11-158, see Historical and Statutory Notes following § 24-211.21.

Law 11-230, the "Department of Corrections Criminal Background Investigation Authorization Temporary Act of 1996," was introduced in Council and assigned Bill No. 11-937. The Bill was adopted on first and second readings on October 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 17, 1996, it was assigned Act No. 11-462 and transmitted to both Houses of Congress for its review. D.C. Law 11-230 became effective on April 9, 1997.

PART C. DEPARTMENT OF CORRECTIONS CRIMINAL BACKGROUND INVESTIGATIONS.

§ 24-211.41. AUTHORIZATION OF INVESTIGATION.

(a) The Director of the Department of Corrections ("Director") shall conduct, on a biennial basis, National Crime Information Center ("NCIC") criminal background investigations on all Department employees including non-probationary employees.

(b) At the Director's discretion, the Director also may conduct NCIC investigations at unspecified times.

(June 19, 1998, D.C. Law 12-126, § 2, 45 DCR 1232.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-448.11.

Temporary Addition of Section

Temporary addition of section: Section 2 of D.C. Law 11-230 added this section.

Emergency Act Amendments

For temporary addition of section, see § 2 of the Department of Corrections Criminal Background Investigation Authorization Emergency Act of 1996 (D.C. Act 11-444, December 6, 1996, 44 DCR 116), § 2 of the Department of Corrections Criminal Background Investigation Authorization Congressional Review Emergency Act of 1997 (D.C. Act 12-33, March 11, 1997, 44 DCR 1913), § 2 of the Department of Corrections Criminal Background Investigation Authorization Second Emergency Act of 1997 (D.C. Act 12-188, October 30, 1997, 44 DCR 6968), and § 2 of the Department of Corrections Criminal Background Investigation Authorization Congressional Recess Emergency Act of 1998 (D.C. Act 12-251, January 29, 1998, 45 DCR 899).

For temporary (90 day) addition of § 24-211.61, see § 2902 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

Law 11-230, the "Department of Corrections Criminal Background Investigation Authorization Temporary Act of 1996," was introduced in Council and assigned Bill No. 11-937. The Bill was adopted on first and second readings on October 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 17, 1996, it was assigned Act No. 11-462 and transmitted to both Houses of Congress for its review. D.C. Law 11-230 became effective on April 9, 1997.

Law 12-68, the "Department of Corrections Criminal Background Investigation Authorization Temporary Act of 1997," was introduced in Council and assigned Bill No. 12-403. The Bill was adopted on first and second readings on October 7, 1997, and November 4, 1997, respectively. Signed by the Mayor on November 11, 1997, it was assigned Act No. 12-210 and transmitted to both Houses of Congress for its review. D.C. Law 12-68 became effective on March 20, 1998.

Law 12-126, the "Department of Corrections Criminal Background Investigation Authorization Act of 1998," was introduced in Council and assigned Bill No. 12- 029, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 26, 1998, it was assigned Act No. 12-260 and transmitted to both Houses of Congress for its review. D.C. Law 12- 126 became effective on June 19, 1998.

Section 4(b) of D.C. Law 11-230 provided that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 12-68 added this section.

Section 4(b) of D.C. Law 12-68 provided that the act shall expire after 225 days of its having taken effect.

PART D. LIMITATION ON DEPARTMENT OF CORRECTIONS' USE OF FACILITIES ON DC GENERAL HOSPITAL CAMPUS.

§ 24-211.61. LIMITATION ON DEPARTMENT OF CORRECTIONS' USE OF FACILITIES ON D.C. GENERAL HOSPITAL CAMPUS.

The Department of Corrections shall not house any misdemeanants, felons, ex-offenders, or persons awaiting trial or sentencing for offenses committed in the District of Columbia in any facility on the D.C. General Hospital Campus (Reservation 13) other than the District of Columbia Jail or the Correctional Treatment Facility. This limitation shall not prohibit the Department of Corrections from relocating its headquarters to any facility on Reservation 13 or using any Reservation 13 facility for the housing of records or training purposes.

(Oct. 1, 2002, D.C. Law 14-190, § 3002, 49 DCR 6968.)

For Law 14-190, see notes following § 24-201.61.

Establishment - Steering Committee for the Planning and Development of Hill East Waterfront, see Mayor's Order 2002-157, September 13, 2002 (49 DCR 8627).

SUBCHAPTER III. EDUCATIONAL GOOD TIME CREDITS.

§ 24-221.01. EDUCATIONAL GOOD TIME.

(a) Every person whose conduct complies with institutional rules and who demonstrates a desire for self-improvement by successfully participating in an academic or vocational program, including special education and Graduate Equivalency Diploma programs, shall earn educational good time credits of no less than 3 days a month and not more than 5 days a month.

(b) Educational good time credits authorized by the provisions of this section shall be applied to the person's minimum term of imprisonment to determine the date of eligibility for release on parole and to the person's maximum term of imprisonment to determine the date when release on parole becomes mandatory.

(Apr. 11, 1987, D.C. Law 6-218, § 3, 34 DCR 484; Dec. 10, 2009, D.C. Law 18-88, § 701, 56 DCR 7413.)

1981 Ed., § 24-429.

D.C. Law 18-88, in subsec. (a), substituted "participating in" for "completing" and deleted the second sentence which had read as follows: "These credits shall not be awarded until completion of the academic or vocational program."

For temporary (90 day) amendment of section, see § 3061 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

Law 6-218, the "District of Columbia Good Time Credits Act of 1986," was introduced in Council and assigned Bill No. 6-505, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 25, 1986, and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-253 and transmitted to both Houses of Congress for its review.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

§ 24-221.01A. MERITORIOUS GOOD TIME CREDIT.

(a) In the discretion of the Director of the Department of Corrections, a prisoner may be allowed meritorious good time credit for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations.

(b) Meritorious good time credits authorized by this section shall be applied to the person's minimum term of imprisonment to determine the date of eligibility for release on parole and to the person's maximum term of imprisonment to determine the date when release on parole becomes mandatory.

(Apr. 11, 1987, D.C. Law 6-218, § 3a, as added Aug. 20, 1994, D.C. Law 10-151, § 802(b), 41 DCR 2608.)

1981 Ed., § 24-429.1.

Emergency Act Amendments

For temporary addition of section, see § 802(b) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

Legislative History of Laws

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-98, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 29, 1994, and April 12, 1994, respectively. Signed by the Mayor on May 4, 1994, it was assigned Act No. 10-238 and transmitted to both Houses of Congress for its review. D.C. Law 10-151 became effective on August 20, 1994.

§ 24-221.01B. LIMITATIONS.

Educational and meritorious good time credits shall not reduce the minimum sentence of any inmate convicted of a crime of violence as defined by § 22-4501, by more than 15%.

(Apr. 11, 1987, D.C. Law 6-218, § 3b, as added Aug. 20, 1994, D.C. Law 10-151, § 802(c), 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-429.2.

Emergency Act Amendments

For temporary addition of section, see § 802(c) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

For temporary (90 day) addition of section, see § 402(a) of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) addition of section, see § 402(a) of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 24-221.01a.

§ 24-221.01C. CREDITS FOR GOOD BEHAVIOR, REHABILITATION PROGRAMS, WORK DETAILS, AND SPECIAL PROJECTS.

(a) A person sentenced for a misdemeanor whose conduct complies with institutional rules shall be eligible to receive good time credits of up to 3 credits per calendar month for good behavior, as prescribed by applicable rules.

(b) A person sentenced for a misdemeanor who demonstrates successful participation in one or more rehabilitation programs, work details, or special projects shall be eligible to receive good time credits of up to 3 credits per calendar month for each such program, detail, or project, as prescribed by applicable rules.

(c) No person shall receive more than 8 credits per calendar month under sections § 24-221.01 and this section combined.

(d) Good time credits shall be computed from the day on which a person is first incarcerated. In a case in which the person is later sentenced for a misdemeanor, the good time credits shall not be awarded until after a sentence is imposed.

(Apr. 11, 1987, D.C. Law 6-218, § 3c, as added May 17, 2011, D.C. Law 18-372, § 2(a), 58 DCR 7.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-372, the "District of Columbia Good Time Credits Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-840, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 9, 2010, and November 23, 2010, respectively. Signed by the Mayor on December 28, 2010, it was assigned Act No. 18-647 and transmitted to both Houses of Congress for its review. D.C. Law 18-372 became effective on May 17, 2011.

§ 24-221.02. ADMINISTRATION OF GOOD TIME CREDITS.

(a)(1) The Mayor shall administer the award of good time credits.

(2) The Mayor shall promulgate proposed rules for granting, withholding, forfeiting, cancelling, and restoring good time credits.

(3) The proposed rules shall be submitted to the Council of the District of Columbia ("Council") for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(b) The Mayor shall establish an Institutional Appeals Board ("Board") of 5 persons not employed by the Department of Corrections, to review the granting, withholding, forfeiture, cancellation, and restoration of good time credits. The Department shall provide staff support to the board. An inmate shall be entitled to appeal a decision to the board. The board shall review the record of the inmate and any additional materials submitted by the inmate or the Department. The decision of the board shall be final.

(Apr. 11, 1987, D.C. Law 6-218, § 4, 34 DCR 484; May 17, 2011, D.C. Law 18-372, § 2(b), 58 DCR 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-430.

Effect of Amendments

D.C. Law 18-372, in subsec. (a), deleted "educational" preceding "good time".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 402(b) of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 402(b) of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

For history of Law 18-372, see notes under § 24-221.01c

§ 24-221.03. JAIL TIME; PAROLE.

(a) Every person shall be given credit on the maximum and the minimum term of imprisonment for time spent in custody, or on parole in accordance with § 24-406, as a result of the offense for which the sentence was imposed. When entering the final order in any case, the court shall provide that the person be given credit for the time spent in custody, or on parole in accordance with § 24-406, as a result of the offense for which sentence was imposed.

(b) When a person has been in custody due to a charge that resulted in a dismissal or acquittal, the time that would have been credited against a sentence for the charge, had the charge not resulted in a dismissal or acquittal, shall be credited against any sentence that is based upon a charge for which a warrant or commitment detainer was placed during the pendency of the custody.

(c) Any person who is sentenced to a term of confinement in a correctional facility or hospital shall have deducted from the term all time actually spent, pursuant to a court order, by the person in a hospital for examination purposes or treatment prior to trial or pending an appeal.

(Apr. 11, 1987, D.C. Law 6-218, § 5, 34 DCR 484; May 20, 2009, D.C. Law 17-389, § 2, 56 DCR 1196.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-431.

Effect of Amendments

D.C. Law 17-389, in subsec. (a), substituted ", or on parole in accordance with § 24-406," for "or on parole".

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

Law 17-389, the "Equitable Street Time Credit Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-750 which was referred to the Committee on Public Safety and the Judiciary. The Bill

was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 16, 2009, it was assigned Act No. 17-694 and transmitted to both Houses of Congress for its review. D.C. Law 17-389 became effective on May 20, 2009.

§ 24-221.04. FORFEITURE.

The award of good time credits for good behavior and faithful performance of duties may be forfeited, withheld, and restored by the Director, in accordance with rules promulgated by the Mayor pursuant to § 24-221.02, after a hearing, which shall be conducted in accordance with the rules.

(Apr. 11, 1987, D.C. Law 6-218, § 6, 34 DCR 484.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-432.

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

§ 24-221.05. REPORTING REQUIREMENT.

The Department shall regularly inform inmates of all awards, forfeitures, and restorations of good time credits, and shall inform the Board of Parole of all persons who are expected to become eligible for release on parole within 45 days of their eligibility date, and shall inform the Board of Parole of all persons whose release on parole will become mandatory within 45 days of the date when their release on parole becomes mandatory.

(Apr. 11, 1987, D.C. Law 6-218, § 7, 34 DCR 484.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-433.

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

§ 24-221.06. EXCEPTIONS.

Institutional and educational good time credits shall not be applied to the minimum terms of persons sentenced under § 22-4502, § 48-901.02, § 48-904.01, § 22-2104(b), § 22-2803, or § 22-4504(b).

(Apr. 11, 1987, D.C. Law 6-218, § 8, 34 DCR 484; Nov. 2, 1989, D.C. Law 8-52, § 2, 36 DCR 4740; Jan. 30, 1990, D.C. Law 8-57, § 2, 36 DCR 5761; May 8, 1993, D.C. Law 9-270, § 4, 39 DCR 9223; Oct. 2, 1993, D.C. Law 10-26, § 4, 40 DCR 3416.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-434.

Legislative History of Laws

For legislative history of D.C. Law 6-218, see Historical and Statutory Notes following § 24-221.01.

Law 8-52, the "Good Time Credits Temporary Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-296. The Bill was adopted on first and second readings on May 30, 1989 and June 13, 1989, respectively. Signed by the Mayor on June 27, 1989, it was assigned Act No. 8-51 and transmitted to both Houses of Congress for its review.

Law 8-57, the "Good Time Credits Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-303, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 27, 1989 and July 11, 1989, respectively. Signed by the Mayor on July 27, 1989, it was assigned Act No. 8-71 and transmitted to both Houses of Congress for its review.

Law 9-270, the "Carjacking Prevention Temporary Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-629. The Bill was adopted on first and second readings on October 6, 1992, and November 4, 1992, respectively. Signed by the Mayor on November 25, 1992, it was assigned Act No. 9-328

and transmitted to both Houses of Congress for its review. D.C. Law 9-270 became effective on May 8, 1993. Law 10-26, the "Carjacking Prevention Amendment Act of 1993," was introduced in Council and assigned Bill No. 10-16, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 7, 1993, and May 4, 1993, respectively. Signed by the Mayor on May 19, 1993, it was assigned Act No. 10-28 and transmitted to both Houses of Congress for its review. D.C. Law 10-26 became effective on October 2, 1993.

SUBCHAPTER IV. PRISON INDUSTRIES.

§ 24-231.01. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Bureau of Justice Assistance Private Sector Prison Industry Enhancement Certification Program", or "PIE Program", means the federal grant-in-aid program administered by the Bureau of Justice Assistance, United States Department of Justice, pursuant to 42 U.S.C. 3741-3761, and participation in which by the states or the District of Columbia affords an exemption from the general federal prohibition against open market sale of prisoner-produced goods, pursuant to 18 U.S.C. 1761(c).
- (2) "Correctional facility" means any building or group of buildings and concomitant services operated as a single management unit by the District of Columbia Department of Corrections for the purpose of housing and providing services to persons ordered confined pending trial or upon conviction and sentencing for a violation of law.
- (3) "Department" means the District of Columbia Department of Corrections.
- (4) "Director" means the Director of the District of Columbia Department of Corrections.
- (5) "Joint venture" means a production unit in or part of a prison industry, that:
 - (A) Employs sentenced prisoners;
 - (B) Is wholly or partly owned, operated, or managed by a joint venture partner that is a private-sector employer; and
 - (C) Sells goods or services in the open market, including in interstate and foreign commerce, or to the federal government, the District of Columbia, or any state or political subdivision of a state.
- (6) "Prison industries" means an organized plan, including equipment and facilities, for the production and distribution of goods or services on the grounds of a correctional facility to aid disciplinary and rehabilitative goals of the prison system.
- (7) "Prison Industries Fund" means the revolving fund established by § 24- 231.02.
- (8) "Prisoner" means any person who is confined to an adult correctional facility.
- (9) "Private-sector employer" means:
 - (A) Any person who, for compensation, uses the services of an individual; and
 - (B) Any administrator, agent, assignee, conservator, executor, liquidator, officer, receiver, trustee, trustee in bankruptcy, or other representative of a person described in subparagraph (A) of this paragraph.
- (10) "Substance abuse" means any pattern of pathological use of alcohol or other drug that causes impairment in social or occupational functioning, or that produces physiological dependency as evidenced by physical tolerance or by physical symptoms when it is withdrawn.
- (11) "Washington, D.C., region" means the geographic area that encompasses the District of Columbia and adjacent portions of the State of Maryland and the Commonwealth of Virginia.

(May 8, 1996, D.C. Law 11-117, § 2, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.1.

Legislative History of Laws

Law 11-117, the "Prison Industries Act of 1996," was introduced in Council and assigned Bill No. 11-151, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 4, 1996, and February 6, 1996, respectively. Signed by the Mayor on February 26, 1996, it was assigned Act No. 11-221 and transmitted to both Houses of Congress for its review. D.C. Law became effective on May 8, 1996.

Mayor authorized to issue rules: Section 19 of D.C. Law 11-117 provided that, in accordance with subchapter I of Chapter 15 of Title 1, the Mayor shall issue rules to implement this subchapter.

§ 24-231.02. ESTABLISHMENT OF PRISON INDUSTRIES FUND.

(a) There is hereby established in the Treasury a revolving fund to be known as the Prison Industries Fund ("Fund"). The Fund shall be used to receive and disburse funds from appropriations, income from operations, fees, gifts by devise or bequest, donations, grants, investments, and revenue from any and all sources pursuant to this subchapter.

(b) Revenue deposited into the Fund is specifically designated to be expended by the Department for the administration, improvement, and maintenance of property and programs managed by the Department and shall supplement and not replace services provided by the Department. The Fund shall not provide funding to any other District government agencies.

(c) Proceeds of the Fund may be invested in a prudent and reasonable manner consistent with applicable District government policies and procedures with recommendations from the Prison Industries Joint Venture Advisory Board established by § 24-231.07.

(d) The Fund shall be continuing. Revenues deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time but shall be continually available to the Department for the uses and purposes set forth in this subchapter, subject to authorization by Congress in an appropriations act.

(e) The Fund shall be available without fiscal-year limitation and shall be used by the Mayor to maintain the District of Columbia's prison industries program in accordance with this subchapter. The accounting for the Fund shall be maintained on the accrual basis, including provision for employees' accrued annual leave and depreciation of fixed assets, and financial reports shall be prepared on the basis of such accounting.

(May 8, 1996, D.C. Law 11-117, § 3, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.2.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-458.1.

§ 24-231.03. USE OF FUND REVENUES.

Receipts from the sales of goods and services produced by the prison industries program shall be deposited to the credit of the Fund. The Fund shall be used for all necessary expenses directly related to the Fund, including personal services; payments to inmates, or payments to their dependents in accordance with this subchapter; purchase, repair, and maintenance of equipment; purchase of raw materials and supplies; payment of dues and expenses of attendance at meetings and conventions, as approved by the Mayor; maintenance and repair of buildings used for Fund purposes; alteration of existing facilities used for Fund purposes; and, within the limits of amounts provided in annual appropriation acts, acquisition and improvement of real property.

(May 8, 1996, D.C. Law 11-117, § 4, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.3.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.04. MAINTENANCE OF THE PRISON INDUSTRIES PROGRAM; ADMINISTRATION BY THE DIRECTOR.

(a) The Mayor shall maintain a prison industries program which shall be administered by the Director and which shall provide for the operation of commercial, manufacturing, sales, and service enterprises that are located on the grounds of a correctional facility and that employs prisoners. The prison industries program

shall be comprised of 2 components, designated as the government-enterprise component and the joint-venture component.

(b) The government-enterprise component shall be comprised of prison industry operations that are owned, managed, and operated as an entity of the Department. This component shall neither be subject to the prevailing wage requirements set forth in § 24-231.10 nor the workers' compensation requirements set forth in § 24-231.12(a), except that any prison industry within this component that seeks and receives approval under the PIE Program shall be subject to the requirements of §§ 24-231.10(a) and 24-231.12(a). Government-enterprise component operations are authorized to produce, offer for sale, and sell goods and services to agencies of the District and to any other legally-eligible purchaser. Upon recommendation by the Director and by the Prison Industries Joint Venture Advisory Board established by § 24-231.07, the Mayor may require any government-enterprise component prison industry to comply with the federal requirements for the purpose of applying for federal government approval under the PIE Program to offer for sale and sell goods and services in interstate commerce and to the federal government.

(c) The joint-venture component shall be comprised of prison industry operations that are jointly owned, managed, and operated by the Department and its joint-venture partners in accordance with § 24-231.05 and other applicable federal and District laws. Except as otherwise provided by § 24-231.05, joint-venture component prison industries shall be organized and operated with the intent of complying with all necessary requirements to qualify for approval under the PIE Program to offer for sale and to sell goods and services in interstate commerce.

(May 8, 1996, D.C. Law 11-117, § 5, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.4.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.05. SALES, ADVERTISING AND MARKETING OF PRISON INDUSTRIES PRODUCTS AND SERVICES; TAX EXEMPTION.

(a) Whenever goods or services scheduled for purchase by an agency of the District government are produced or can be produced by a prison industry, the agency shall purchase the goods or services from the prison industries unless the Director provides written certification that:

- (1) A prison industry cannot provide the goods or services on the terms and conditions required by the agency; or
- (2) The agency has been quoted a price below the market price.

(b) In addition to the agencies of the District government, goods and services produced by prison industries may be sold to:

- (1) Any department or agency of any other state, city, county, or territory of the United States;
- (2) Any department or agency of the federal government;
- (3) Any not-for-profit organization, upon the enactment by Congress of an amendment to 18 U.S.C. § 1761(b), to authorize prison industry sales to not-for-profit organizations; and
- (4) Open-market purchasers, in accordance with 18 U.S.C. § 1761(c).

(c) The Mayor may develop and implement an on-going advertising and marketing plan to sell goods and services produced by prison industries to authorized purchasers. This advertising and marketing plan shall include:

- (1) Regular publication and distribution to authorized purchasers of a catalog and price list for goods and services produced by prison industries;
- (2) Procedures for responding to invitations for bids or requests for proposals issued by any governmental unit that is an authorized purchaser; and
- (3) Procedures for use of advertising materials, speaking engagements, direct-mail marketing, telemarketing, director contacts by salespersons, and other marketing techniques to inform authorized purchasers about the availability, prices, and quality of goods or services that are produced or can be produced by the prison industries.

(d) Subject to the approval of the Council, by act, the Mayor may include in the terms of a prison industry joint venture agreement an exemption from applicable District taxes, or other tax incentives, when the Mayor determines this is necessary to secure a private-sector employer's participation.

(May 8, 1996, D.C. Law 11-117, § 6, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.5.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.06. JOINT VENTURE AGREEMENTS.

(a) The Mayor is authorized to enter into an agreement with any private-sector employer to establish a joint venture for the management and operation of all or any part of a prison industry.

(b) The terms of a joint venture agreement shall include:

(1) Area space requirements, equipment, security services, and utilities;

(2) Procedures for the selection of prisoners for employment; and

(3) A commitment by the private-sector employer to indemnify, hold harmless, and defend the District, its agents, officers, and employees against any and all claims or liability of any kind arising from, based on, or resulting from any act, default, or omission of the private-sector employer under the agreement.

(May 8, 1996, D.C. Law 11-117, § 7, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.6.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.07. PRISON INDUSTRIES JOINT VENTURE ADVISORY BOARD.[REPEALED]

(May 8, 1996, D.C. Law 11-117, § 8, 43 DCR 1179; Apr. 29, 1998, D.C. Law 12-86, § 401(h), 45 DCR 1172.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.7.

Legislative History of Laws

Law 12-86, the "Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-458, which was referred to the Committee on Public Works and the Environment and the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 19, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 21, 1998, it was assigned Act No. 12-256 and transmitted to both Houses of Congress for its review. D.C. Law 12-86 became effective on April 29, 1998.

§ 24-231.08. EMPLOYMENT OF PRISONERS; TERMS AND CONDITIONS; OPPORTUNITIES FOR ADVANCEMENT; QUALIFICATIONS.

(a) A prison industry shall employ eligible prisoners in all entry-level positions to the extent feasible.

(b) Prisoners employed in a prison industry shall not work more than 40 hours per week, except that prisoners may volunteer to work overtime hours for overtime payment at 1 1/2 times the normal hourly wage when necessary to meet a prison industry's production needs.

(c) For positions requiring an advanced level of skills or experience and for supervisory positions, a prison industry may employ nonprisoner personnel if the prison industry staff responsible for reviewing the qualifications of eligible prisoner job applicants:

(1) Demonstrate to the satisfaction of the Director that no eligible prisoner job applicant currently is qualified for the position; and

(2) Develop a plan satisfactory to the Director for training prisoners employed in entry-level positions, the goal of which is to enable prisoners to attain an advanced level of skills or experience for supervisory positions within a specific time.

(d) Subject to the approval of the Director, each prison industry shall develop and provide the following, in writing, to all prisoner employees and job applicants:

- (1) Job descriptions;
- (2) Schedule of hours of work;
- (3) Wage schedule and procedures for recording hours worked and making payment of wages earned in accordance with § 24-231.11;
- (4) Work place rules of safety and conduct;
- (5) Description of the factors to be considered and the procedures to be followed in evaluating employee performance, making promotions, and granting wage increases;
- (6) Description of training to be provided on the job; and
- (7) Description of disciplinary action that may be taken in the event that an employed prisoner violates workplace rules of safety and conduct or otherwise fails or neglects to perform job responsibilities in a satisfactory manner.

(e) The items described in subsection (d) of this section shall be discussed orally with prisoner job applicants. Each applicant, as a condition of employment, shall sign a statement affirming that he or she:

- (1) Understands and agrees to abide by the workplace rules of safety and conduct;
- (2) Will perform job responsibilities in a satisfactory manner; and
- (3) Is acting voluntarily and is not under any condition of duress.

(f) To qualify as eligible for available employment in a prison industry, a prisoner shall:

- (1) Complete the application on forms to be provided by the prison industry;
- (2) Undergo a medical examination and substance abuse screening, which shall be provided by the Department;
- (3) Not be determined by the Director to be ineligible for employment due to physical or mental incapacity, substance abuse, confinement in administrative or disciplinary segregation, or other relevant circumstance; and
- (4) Sign the statement required by subsection (e) of this section.

(g) Each prisoner may receive educational good time credit for participating in the prison industries program pursuant to § 24-221.01.

(May 8, 1996, D.C. Law 11-117, § 9, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.8.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.09. STATUS OF PRISONERS WITH RESPECT TO PRISON INDUSTRIES.

Prisoners who apply and are eligible for employment in a prison industry shall have no right to obtain employment in the industry. Prisoners employed in a prison industry shall not be regarded as having any right concerning that employment, shall not be regarded as District employees or employees of a private-sector employer, and shall not be regarded as having any rights or privileges accorded to District government employees or employees of a private-sector employer other than those expressly set forth in this subchapter.

(May 8, 1996, D.C. Law 11-117, § 10, 43 DCR 1179; May 22, 1998, D.C. Law 12-114, § 4, 45 DCR 486.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.9.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

Law 12-114, the "Criminal Code Technical Amendments Act of 1997," was introduced in Council and assigned Bill No. 12-406, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-233 and transmitted to both Houses of Congress for its review. D.C. Law 12-114 became effective on May 22, 1998.

§ 24-231.10. WAGES OF EMPLOYED PRISONERS; UNEMPLOYMENT COMPENSATION.

(a) All prisoners employed by a prison industry shall be paid wages which shall be established by the Director and approved by the Mayor. All prisoners employed by a prison industry that is approved under the PIE Program shall be paid no less than the prevailing wage for work of a similar nature in the Washington, D.C., region as determined by the District of Columbia Department of Employment Services.

(b) Nothing in this section or elsewhere in this subchapter may be construed to create a private right, enforceable by an employed prisoner, to any wages established in accordance with subsection (a) of this section.

(c) Employment by a prison industry shall not entitle any prisoner to the benefits authorized by Chapter 1 of Title 51, unless the prisoner is employed in a prison industry approved under the PIE Program. In the latter case, the prisoner shall not be qualified to receive any payments for unemployment compensation while incarcerated.

(May 8, 1996, D.C. Law 11-117, § 11, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.10.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.11. DISBURSEMENT OF WAGES TO EMPLOYED PRISONERS; DEDUCTIONS; ACCOUNTING.

(a) Wages paid to prisoners employed by a prison industry shall be considered taxable income for purposes of subchapter I of Chapter 18 of Title 47.

(b) Wages paid to prisoners employed by a prison industry wholly owned and operated by the District shall be paid from the Fund. Wages paid to prisoners employed by a prison industry operated pursuant to a prison industry joint venture agreement shall be paid by each private-sector employer who is a party to the agreement.

(c) Wages due each prisoner employed in a prison industry shall be disbursed according to a schedule of deductions which, after withholding District, federal, and state income taxes, shall be established by the Director.

(d) Except in the case of a prisoner employed in a prison industry approved under a PIE Program, the total amount deducted under subsection (c) of this section, including taxes withheld, shall not exceed 80% of gross wages and may include the following:

- (1) Reasonable charges paid to the District for room and board;
- (2) Contributions to the Crime Victims' Compensation Fund in accordance with § 4-544;
- (3) Allocations for the support of the prisoner's family pursuant to statute, court order, or agreement;
- (4) Payment of any civil judgment resulting from the prisoner's criminal conduct; and
- (5) Payment of restitution or fines ordered by the sentencing court.

(e) In the case of a prisoner employed in a prison industry approved under the PIE Program, the total amount deducted under subsection (c) of this section, including taxes withheld, shall not exceed 80% of gross wages and may include the following:

- (1) Reasonable charges imposed by the District for room and board;
- (2) Contributions to the Crime Victims' Compensation Fund in accordance with § 4-544, but only if the amount of the contributions is not less than 5% or more than 20% of the prisoner's gross wages; and
- (3) Allocations for the support of the prisoner's family pursuant to statute court order or agreement.

(f) The remaining 20% of the wage payment shall be available to the prisoner for the purchase of commissary items for personal use and for deposit in a personal account established for each prisoner by the Department.

(g) The Director shall establish procedures to provide each prisoner employed in a prison industry with a regular accounting showing gross wages earned, amount deducted in each category of deductions, and the amount credited to the prisoner's personal account maintained by the Department. All wages credited to the prisoner's personal account shall be made available to the prisoner at the time of release. The prisoner may draw upon funds in his or her personal account for any legal purpose consistent with Department rules.

(May 8, 1996, D.C. Law 11-117, § 12, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.11.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.12. WORKERS' COMPENSATION INSURANCE.

(a) The requirements of Chapter 15 of Title 32 shall apply to prisoners employed in any prison industries program that is approved under the PIE Program. Nothing in this section shall be construed as requiring Workers' Compensation Act or comparable insurance benefits for prisoners employed in a prison industry that is not federally approved under that program.

(b) The Director or the parties to a prison industry joint venture agreement may purchase insurance to protect against the risk of loss, theft, or damage of finished or unfinished products produced by a prison industry wherever these products, equipment, materials, and supplies are located while in the possession of the Department or a prison industry, in transit to or from the possession of the Department or a correctional industry, or in storage. The cost of the insurance shall be paid from the Fund if such payment is authorized by Congress in an appropriations act.

(May 8, 1996, D.C. Law 11-117, § 13, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.12.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.13. ANNUAL REPORT; ANNUAL INVENTORY.

(a) The Director shall provide the Mayor and the Council with an annual report on the prison industries program and the Fund no later than December 1 of each year for the fiscal year ending September 30 of the preceding year.

(b) The report shall be prepared according to generally accepted accounting principles and shall include:

- (1) A description of each prison industry, including the terms of any prison industry joint venture agreements establishing the industry, the quantities of goods and services produced, and an itemized accounting of purchasers, sales, and receipts;
- (2) The number of prisoners employed in each prison industries program;
- (3) A profit-and-loss statement;
- (4) Production costs, including overhead, purchase of materials and supplies, capital expenditures, and wages paid to prisoner employees and nonprisoner employees;
- (5) The average length of time between the District government's receipt of orders and purchasers' receipt of the goods and services ordered; and
- (6) The average length of time between purchasers' receipt of goods and services ordered and the Fund's receipt of payment.

(c) The Department shall prepare an annual inventory listing prison industries program equipment and materials on hand at the beginning and end of each fiscal year.

(May 8, 1996, D.C. Law 11-117, § 14, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.13.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.14. DISPOSITION OF PROFITS.

The Mayor is authorized to retain any accumulated profits from a prison industries program for the purpose of acquiring or improving personal property, or to increase working capital to planned operating levels in a prison industries program. The Mayor is also authorized to retain accumulated profits from a prison industries program for payments to inmates employed in a prison industries program as well as to other inmates.

(May 8, 1996, D.C. Law 11-117, § 15, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.14.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

§ 24-231.15. TRANSFER OF ASSETS.

All assets which, on May 8, 1996, are components of the Correctional Industries Fund, as created by § 24-271, shall be transferred to the Fund created in § 24-231.02.

(May 8, 1996, D.C. Law 11-117, § 16, 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-458.15.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

Miscellaneous Notes

Mayor authorized to issue rules: Section 19 of D.C. Law 11-117 provided that, in accordance with subchapter I of Chapter 5 of Title 2, the Mayor shall issue rules to implement this subchapter.

SUBCHAPTER V. WORK RELEASE PROGRAM.

§ 24-241.01. AUTHORITY GRANTED TO ESTABLISH PROGRAM.

There is hereby authorized to be established in the District of Columbia a work release program under which any person who is: (1) convicted of a misdemeanor or of violating a municipal regulation or an act of Congress in the nature of a municipal regulation, and is sentenced to serve in a penal institution a term of 1 year or less; (2) imprisoned for nonpayment of a fine, or for contempt of court; or (3) committed to jail after revocation of probation pursuant to § 24-304, may, whenever the judge of the sentencing court is satisfied that the ends of justice and the best interests of society as well as of such person would be subserved thereby or whenever after service by the person of 1/3 of his or her sentence, the Board of Parole is satisfied that the ends of justice and the best interests of society as well as of the sentenced person would be served thereby, be granted the privilege of a work release for the purpose of working at his employment or seeking employment. Such a work release privilege may also be granted, in the discretion of the sentencing court or the Director of the Department of Corrections, whenever there exist such special circumstances as merit the granting of the privilege. As used in this subchapter, the word "sentence" and its derivatives shall be construed to include sentencing, imprisonment, and commitment as referred to in this section.

(Nov. 10, 1966, 80 Stat. 1519, Pub. L. 89-803, § 2; Mar. 10, 1983, D.C. Law 4-202, § 5, 30 DCR 173; June 3, 1997, D.C. Law 11-273, § 4(a), 43 DCR 6168.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-461.

1973 Ed., § 24-461.

Emergency Act Amendments

For temporary amendment of section, see § 4(a) of the Zero Tolerance for Guns Emergency Amendment Act of 1996 (D.C. Act 11-390, August 26, 1996, 43 DCR 4986), § 4(a) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and § 4(a) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

Legislative History of Laws

Law 4-202, the "District of Columbia Sentencing Improvements Act of 1982," was introduced in Council and assigned Bill No. 4-120, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-286 and transmitted to both Houses of Congress for its review.

Law 11-273, the "Zero Tolerance for Guns Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-153, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 19, 1996, and October 1, 1996, respectively. Signed by the Mayor on October 18, 1996, it was assigned Act No. 11-431 and transmitted to both Houses of Congress for its review. D.C. Law 11-273 became effective on June 3, 1997.

§ 24-241.02. RECOMMENDATIONS; ORDER OF COURT OR BOARD OF PAROLE REQUIRED.

At the time of imposition of sentence, the probation officers of the court or the Director of the Department of Corrections, may recommend to, or the person sentenced may request, the sentencing court that such person be granted the privilege of work release. At any time subsequent to the imposition of sentence, the person sentenced may request the sentencing court or the Director of the Department of Corrections that such person be granted the privilege of work release. No person shall be given work release privileges except by order of the sentencing court or the Director of the Department of Corrections, or by order of the Board of Parole pursuant to § 24-241.01.

(Nov. 10, 1966, 80 Stat. 1519, Pub. L. 89-803, § 3; Mar. 10, 1983, D.C. Law 4-202, § 6, 30 DCR 173; June 3, 1997, D.C. Law 11-274, § 19(c), 44 DCR 1232.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-462.

1973 Ed., § 24-462.

Emergency Act Amendments

For temporary amendment of section, see § 4(b) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and see § 4(b) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

Legislative History of Laws

For legislative history of D.C. Law 4-202, see Historical and Statutory Notes following § 24-241.01.

Law 11-274, the "Sex Offender Registration Act of 1996," was introduced in Council and assigned Bill No. 11-386, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-510 and transmitted to both Houses of Congress for its review. D.C. Law 11-274 became effective on June 3, 1997.

§ 24-241.03. CONDITIONS FOR RELEASE.

The Director of the Department of Corrections shall state in writing the terms and conditions under which a person granted work release privileges may be released from actual custody during the time necessary to proceed to the person's place of employment or other authorized places, perform specified activities, and return to a place of confinement designated by the Director of the Department of Corrections.

(Nov. 10, 1966, 80 Stat. 1519, Pub. L. 89-803, § 4; June 3, 1997, D.C. Law 11-273, § 4(b), 43 DCR 6168.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-463.

1973 Ed., § 24-463.

Emergency Act Amendments

For temporary amendment of section, see § 4(b) of the Zero Tolerance for Guns Emergency Amendment Act of 1996 (D.C. Act 11-390, August 26, 1996, 43 DCR 4986), § 4(b) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and § 4(b) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

Legislative History of Laws

For legislative history of D.C. Law 11-273, see Historical and Statutory Notes following § 24-241.01.

§ 24-241.04. REGULATIONS; INDIVIDUAL PLANS.

The Council of the District of Columbia is authorized to promulgate from time to time such rules and regulations as it deems necessary for the administration by the Department of Corrections of the work release program.

(Nov. 10, 1966, 80 Stat. 1519, Pub. L. 89-803, § 5; June 3, 1997, D.C. Law 11-273, § 4, 43 DCR 6168.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-464.

1973 Ed., § 24-464.

Emergency Act Amendments

For temporary amendment of section, see § 4(d) of the Zero Tolerance for Guns Emergency Amendment Act of 1996 (D.C. Act 11-390, August 26, 1996, 43 DCR 4986) and § 4(c) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), see § 4(c) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

Legislative History of Laws

For legislative history of D.C. Law 11-273, see Historical and Statutory Notes following § 24-241.01.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(426) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-241.05. SUSPENSION OF WORK RELEASE PRIVILEGE; VIOLATIONS OF WORK RELEASE PLAN.

(a) The Director of the Department of Corrections may suspend or revoke the work release privilege for any breach of discipline or infraction of institution regulations. The Court may revoke the work release privilege at any time, either upon its own motion or upon recommendation of the Director of the

Department of Corrections.

(b) Any prisoner who willfully fails to return at the time and to the place of confinement designated in his work release plan shall be fined not more than \$1,000 or imprisoned not more than 180 days, or both, such sentence of imprisonment to run consecutively with the remainder of previously imposed sentences. All prosecutions for violation of this subsection shall be in the Superior Court of the District of Columbia upon information filed by the Corporation Counsel of the District of Columbia or any of his assistants.

(Nov. 10, 1966, 80 Stat. 1519, Pub. L. 89-803, § 6; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); June 3, 1997, D.C. Law 11-273, § 4(d), 43 DCR 6168.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-465.

1973 Ed., § 24-465.

Emergency Act Amendments

For temporary amendment of section, see § 4(e) of the Zero Tolerance for Guns Emergency Amendment Act of 1996 (D.C. Act 11-390, August 26, 1996, 43 DCR 4986), § 4(d) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and see § 4(d) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

Legislative History of Laws

For legislative history of D.C. Law 11-273, see Historical and Statutory Notes following § 24-241.01.

§ 24-241.06. TRUST FUND FOR EARNINGS; DISBURSEMENTS.

The Mayor is authorized to include in individual work release plans provisions for the collection of the wages, salary, earnings, and other income of each gainfully employed prisoner when paid, or require that the same be surrendered when received, less payroll deductions required or authorized by law, and to deposit the amount so received in a trust fund account in the Treasury of the United States. Such wages, salary, or earnings in the hands of either the employer or the Mayor during such prisoner's terms shall not be subject to garnishment or attachment. The Mayor is further authorized in individual work release plans to provide for disbursements from the trust fund account established under this section for any or all of the following purposes: (1) the payment of an amount not to exceed the lesser of 20% of the prisoner's earnings, or \$4 per day, as the cost of his room and board; (2) necessary travel expenses to and from work or other business and incidental expenses of the prisoner; (3) support of the prisoner's dependents, if any; (4) support of minor children pursuant to court order; (5) payment of court fines or forfeitures; or (6) payment, either in full or ratably, of the prisoner's debts which have been acknowledged by him in writing or have been reduced to judgment. The balance of such earnings, if any there be after payments therefrom for the foregoing purposes, shall be paid to the prisoner upon the completion of the period during which he is subject to confinement.

(Nov. 10, 1966, 80 Stat. 1520, Pub. L. 89-803, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-466.

1973 Ed., § 24-466.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-241.07. SUPPORT OF DEPENDENTS.

Payments for support pursuant to § 24-241.06 shall be made through the clerks of the respective courts. In cases where there is no outstanding court order of support or judgment against the prisoner, the Director, Department of Public Welfare, or his designated agent, shall, after investigation, report to the Mayor the amounts deemed necessary for support of the prisoner's dependents.

(Nov. 10, 1966, 80 Stat. 1520, Pub. L. 89-803, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-467.

1973 Ed., § 24-467.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Transfer of Functions

Reorganization Order No. 58 as amended, redesignated as Organization Order No. 140 and amended, established under the direction and control of a Commissioner, a Department of Public Welfare, headed by a Director with the purpose of planning, implementing and directing public welfare programs. Reorganization Order No. 58 provided that the previously existing Board of Public Welfare would be abolished. That Order also transferred specified functions of the former Board to the Department of Public Health and the Department of Public Welfare. Functions of the Department of Public Welfare and of the Department of Public Health as set forth in Organization Order Nos. 140 and 141, respectively, were transferred to the Director of the Department of Human Resources by Commissioner's Order No. 69-96, dated March 7, 1969, as amended by Commissioner's Order No. 70-83, dated March 6, 1970. The Department of Human Resources was replaced by the Department of Human Services by Reorganization Plan No. 2 of 1979, dated February 21, 1980.

§ 24-241.08. DESIGNATION OF MAYOR AS REPRESENTATIVE OF ATTORNEY GENERAL.

The Attorney General of the United States may, in order to carry out the purposes of this subchapter, designate the Mayor as his authorized representative to perform the functions vested in him by § 24-201.26.

(Nov. 10, 1966, 80 Stat. 1520, Pub. L. 89-803, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-468.

1973 Ed., § 24-468.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-241.09. "MAYOR" DEFINED; AUTHORITY OF COMMISSIONERS.

(a) As used in this subchapter the term "Mayor" means the Mayor of the District of Columbia or his designated agents.

(b) Nothing in this subchapter shall be construed so as to affect the authority vested in the Commissioners by Reorganization Plan No. 5 of 1952 (66 Stat. 824). The performance of any function vested by this subchapter in the Commissioners or in any office or agency under the jurisdiction and control of said Commissioners may be performed by the Commissioners or may be delegated by said Commissioners in accordance with § 3 of such plan.

(Nov. 10, 1966, 80 Stat. 1520, Pub. L. 89-803, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-469.

1973 Ed., § 24-469.

References in Text

Reorganization Plan No. 5 of 1952, referred to in subsection (b) of this section, is set out in its entirety in Volume 1.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-211), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-213(a)), appropriate changes in terminology were made in this section.

§ 24-241.10. PRISONER NOT AGENT, EMPLOYEE OR SERVANT OF DISTRICT.

Except when employed and paid by the District of Columbia for the performance of work for the District of Columbia government, no prisoner employed in the free community under the provisions of this subchapter shall, while working in such employment in the free community or going to or from such employment, be deemed to be an agent, employee, or servant of the District of Columbia government.

(Nov. 10, 1966, 80 Stat. 1521, Pub. L. 89-803, § 12.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-470.

1973 Ed., § 24-470.

SUBCHAPTER VI. RESOCIALIZATION FURLOUGH PROGRAM.

§ 24-251.01. DEFINITIONS.

For the purposes of this subchapter:

- (1) The term "Department" means the District of Columbia Department of Corrections.
- (2) The term "Director" means the Director of the Department of Corrections, or his designated agent.
- (3) The term "furlough" means any extension of the limits of the place of confinement of a sentenced prisoner for the purposes outlined in § 24- 251.03, and when said purposes are in agreement with the goals of § 24- 211.02 when the person sentenced is not escorted by a United States marshal or an officer or employee of the District of Columbia.

- (4) The term "minimum custody status" means that status of an individual who:
- (A) In the case of an individual who has been sentenced to serve for a definite number of years, is within 12 months of his earliest possible date of parole;
 - (B) In the case of an individual who has been sentenced to serve for a sentence of not less than a minimum period, has served for at least one-half of that minimum period;
 - (C) In the case of an individual who has been sentenced to serve for an indefinite period, has served for 12 months; or
 - (D) In the case of an individual who has been sentenced to serve for a definite period of less than 18 months has served for at least one-half of that period.
- (5) The term "resident" means an individual confined, after conviction and sentencing, in an institution or facility of the District of Columbia operated by the Department of Corrections.
- (6) The term "committee" means an institutional review committee established pursuant to § 24-251.06.

(Apr. 23, 1977, D.C. Law 1-130, § 2, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-481.

1973 Ed., § 24-481.

Legislative History of Laws

Law 1-130, the "Resocialization Furlough Act of 1976," was introduced in Council and assigned Bill No. 1-223, which was referred to the Committee on Public Safety. The Bill was adopted on first and second readings on July 20, 1976 and November 23, 1976, respectively. Enacted without signature by the Mayor on January 19, 1977, it was assigned Act No. 1-224 and transmitted to both Houses of Congress for its review.

§ 24-251.02. AUTHORITY TO GRANT FURLOUGHS.

- (a) The Mayor of the District of Columbia, or his designated agent, may grant a resocialization furlough to any eligible resident for the purposes specified in this subchapter and according to the procedures provided for in this subchapter. The decision to grant or deny a furlough shall not be made on the basis of rewarding a resident for good behavior nor for punishing misbehavior. Furloughs shall not be used to shorten sentences; any resident furloughed shall be considered, while on furlough, to still be in custody, and time spent on furlough shall be credited toward the remainder of his sentence.
- (b) For the purposes of this subchapter, an eligible resident shall be any resident who:
- (1) Has attained minimum custody status;
 - (2) Has demonstrated responsible attitudes and behavior in the institution or facility so that there is reasonable assurance that he will comply fully with the conditions of the furlough;
 - (3) Has received, where applicable, a favorable recommendation by the appropriate committee; and
 - (4) Is mentally, physically, and financially capable of completing the furlough without escort or assistance from any officer or employee of the Department after his release from the institution or facility.
- (c) Any individual who is incarcerated in any institution or facility operated by the Department after being convicted of having violated either § 22-2101 (relating to first degree murder), § 22-2102 (relating to first degree murder), or § 22-2103 (relating to second degree murder), § 22-4801 (relating to rape), or § 22-3801 (relating to indecent acts with a minor) shall not be eligible for any furlough under the provisions of this subchapter, except where such individual is within 12 months of a firm release date.
- (d) Any eligible resident who is within 12 months of a firm release date or who is participating in an approved work training or higher education program may be considered for 1 furlough per month. All other eligible residents may be considered for 1 furlough every 3 months.

(Apr. 23, 1977, D.C. Law 1-130, § 3, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-482.

1973 Ed., § 24-482.

Legislative History of Laws

§ 24-251.03. PURPOSES OF FURLOUGHS; FURLOUGHS OVER 12 HOURS.

(a) The Mayor, or his designated agent, may grant a furlough, except as provided in subsection (c) of this section, to any eligible resident:

- (1) In order to visit the bedside of a dying relative, or to attend the funeral of a relative, in the Washington metropolitan area;
- (2) Upon the recommendation of the institutional review committee, in order to call upon prospective employers in the Washington metropolitan area, enroll in an educational institution or program, obtain suitable housing prior to release, or to finalize parole supervision plans with an officer or employee of the Department; or
- (3) Upon the recommendation of the institutional review committee, to participate in family and approved community, religious, or educational, social, civic, and recreational activities, when it is determined that such participation will directly facilitate the transition from life in the facility or institution to life in the community.

(b) The Mayor, or his designated agent, may grant a furlough for the purposes specified in paragraph (1) of subsection (a) of this section outside of the Washington metropolitan area, so long as such furlough does not exceed 72 hours.

(c) The Mayor, or his designated agent, may grant a furlough to an eligible resident for longer than 12 hours, but for no longer than 72 hours, where he finds that, based on a report from the institutional review committee, such eligible resident:

- (1) Has demonstrated complete institutional adjustment;
- (2) Is strongly motivated to benefit from the program;
- (3) Is considered to have exceptional potential for rehabilitation; and
- (4) Will not, while on furlough, constitute a threat or danger to the community.

(d) For the purposes of this section, the term "relative" means a spouse, child (including a step-child, adopted child, or child to whom the resident, though not a natural parent, has acted in the place of a parent), parent (including a person who, though not a natural parent, has acted in the place of a parent), brother, or sister.

(e) In the event any eligible resident applies for a furlough for 1 of the reasons specified in paragraph (1) of subsection (a) of this section, verification of the death or seriousness of the illness, as the case may be, of the relative must be obtained from the attending physician, hospital physician, or funeral home director (as applicable), before such furlough may be granted.

(Apr. 23, 1977, D.C. Law 1-130, § 4, 23 DCR 9694; June 3, 1997, D.C. Law 11-275, § 17, 44 DCR 1408.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-483.

1973 Ed., § 24-483.

Legislative History of Laws

For legislative history of D.C. Law 1-130, see Historical and Statutory Notes following § 24-251.01.

Law 11-275, the "Second Criminal Code Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-909, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-520 and transmitted to both Houses of Congress for its review. D.C. Law 11-275 became effective on June 3, 1997.

§ 24-251.04. PROCEDURES.

(a) Each caseworker or counselor on the staff of the Department who is assigned to investigate an application for a furlough shall: (1) verify the reasons given by the applicant for the furlough; (2) determine whether the furlough requested and the applicant meet the requirements of this subchapter; and (3) ascertain whether the furlough will contribute to the attainment of the correctional goals of the applicant. If the caseworker or counselor finds that the request meets these criteria, and the provisions of this subchapter, then he shall prepare a memorandum recommending the granting of the furlough. Such memorandum shall be reviewed by the appropriate supervisory personnel and finally by the Mayor, or his

designated agent. Each such memorandum shall contain the name of the resident concerned, his Department number, the crime for which he was sentenced, the reason for the requested furlough, all factual information (including its verification data), and a statement by the caseworker or counselor on how the furlough is expected to contribute to the attainment of the resident concerned correctional goals and the date of the last furlough granted to such resident.

(b) Each resident being released on furlough will be advised in writing of the conditions of his furlough and will be given a thorough explanation of such conditions. In addition, each resident will be advised that the wilful failure to remain within the extended limits of his confinement, or his failure to return to a designated place within the time prescribed may be deemed an escape, punishable by a fine of not more than \$5,000 or imprisonment for not longer than 5 years, or both. This furlough release authorization form shall be signed by the resident concerned, indicating his understanding of the conditions of the furlough and his willingness to comply with such conditions. Such form will also be signed by the person authorizing such furlough. The resident concerned will be given a copy of such form and instructed to keep it on his person at all times while on furlough.

(c) If a resident on furlough fails to return to a designated place within the time specified in the furlough authorization form signed by him, or if there is reason to believe that he has violated the conditions of his furlough after release, the Administrator shall immediately attempt to contact the resident in order to have him returned to the institution or facility from which he was released. If a furloughed resident cannot be located within 2 hours after the scheduled time for his return, he shall be deemed to be an escapee, subject to the appropriate actions taken under Departmental Order 5120.1A.

(Apr. 23, 1977, D.C. Law 1-130, § 5, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-484.

1973 Ed., § 24-484.

Legislative History of Laws

For legislative history of D.C. Law 1-130, see Historical and Statutory Notes following § 24-251.01.

§ 24-251.05. RECORDS AND REPORTS.

(a) Residents being released on furlough shall be reported as "furloughed" on appropriate Departmental records and statistical forms, identifying such movement as a furlough. Because time spent on furlough is creditable toward the service of a sentence, such status will not preclude the earning of good time or pay.

(b) Each caseworker or counselor assigned to handle a furloughed resident will, upon the completion of each such furlough, prepare a brief report to include:

- (1) The name and Department number of the furloughed resident to whom the report relates;
- (2) The purpose of the furlough being completed;
- (3) A statement of the results of the furlough, including an explanation of any unusual circumstances or events;
- (4) The reporter's assessment of the circumstances or events in relation to the resident's correctional goals; and
- (5) The dates of any previous furloughs granted, including the one to which the report relates.

(c) Copies of all executed furlough release authorization forms shall be kept in the office of the Administrator. Within 5 calendar days before the beginning of each month, the information on these forms (in digested form) will be reported to the designee of the Director. These reports will include:

- (1) The name and Department number of each resident who has been granted a furlough during the reporting period;
- (2) Sentence data relating to such resident, including his earliest release date;
- (3) The purpose of the furlough;
- (4) The beginning and ending dates of the furlough;
- (5) The name of the officer authorizing the furlough;
- (6) The number of furloughs previously granted to such resident; and
- (7) The total number of furloughs granted to all residents during the reporting period.

(Apr. 23, 1977, D.C. Law 1-130, § 6, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-485.

1973 Ed., § 24-485.

Legislative History of Laws

For legislative history of D.C. Law 1-130, see Historical and Statutory Notes following § 24-251.01.

§ 24-251.06. INSTITUTIONAL REVIEW COMMITTEES.

There shall be established, within each facility and institution of the Department, an institutional review committee composed of a psychologist, a senior correctional officer, and an academician. Each committee shall be appointed by the Director, or his designee. It shall be the function of each committee to examine the progress and adjustments of the residents of the facility or institution in which the committee was established, and to make recommendations to the appropriate person with respect to the applications for furloughs of such residents. In making such recommendations, each committee shall rely generally upon consideration of the applicant's disciplinary record, psychological evaluation, work and training participation, and attitudinal and behavior adjustment.

(Apr. 23, 1977, D.C. Law 1-130, § 7, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-486.

1973 Ed., § 24-486.

Legislative History of Laws

For legislative history of D.C. Law 1-130, see Historical and Statutory Notes following § 24-251.01.

§ 24-251.07. REPORT TO COUNCIL.

The Director shall submit to the Council's Committee on Public Safety, semiannually (on January 31st and July 31st of each year), a report on the furlough program conducted during the immediately preceding period. The report shall include the number of furloughs granted during such reporting period, the types of furloughs so granted, a listing of all instances where a furloughed resident failed to abide by the conditions of his furlough, an analysis of each of the furloughed residents, giving the sex, sentence data, and other relevant information relating to each such resident, and such other information as the Director may deem necessary and relevant. The Director shall formulate an overall evaluation and submit same as a part of the report required by this section.

(Apr. 23, 1977, D.C. Law 1-130, § 8, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-487.

1973 Ed., § 24-487.

Legislative History of Laws

For legislative history of D.C. Law 1-130, see Historical and Statutory Notes following § 24-251.01.

§ 24-251.08. SEVERABILITY.

If any section or provision of this subchapter is held to be unconstitutional or otherwise invalid in its application to any person or circumstance, such unconstitutionality or invalidity shall not affect the applicability of that section or provision, or the applicability of the remaining sections or provisions of this subchapter, to other persons or circumstances.

(Apr. 23, 1977, D.C. Law 1-130, § 9, 23 DCR 9694.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-488.

SUBCHAPTER VII. CORRECTIONAL TREATMENT FACILITY.

§ 24-261.01. RULES.

For the purposes of this subchapter, the term:

- (1) "CTF" means the Correctional Treatment Facility.
- (2) "Deadly force" means force which would likely cause death or serious bodily injury.
- (3) "Non-deadly force" means force that normally would neither cause death nor serious bodily injury.
- (4) "Private correctional officer" means any full-time or part-time employee of the private operator of the Correctional Treatment Facility or any other privately-operated prison facility housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, or the subcontractor of any private operator housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons, whose primary responsibility is the supervision, protection, care, and control of inmates assigned to the Correctional Treatment Facility or any other privately-operated prison facility in the District of Columbia.
- (5) "Private operator" means any individual, partnership, corporation, or incorporated association bound by contract with the District of Columbia or the United States to operate the Correctional Treatment Facility or any other prison facility housing inmates in the District of Columbia for the District of Columbia Department of Corrections or the Federal Bureau of Prisons.

(June 3, 1997, D.C. Law 11-276, § 2, 44 DCR 1416; May 28, 1999, D.C. Law 12-281, § 2(a)(2), 45 DCR 7991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.1.

Temporary Amendments of Section

Section 2(a) of D.C. Law 12-164 rewrote (4) and (5).

Section 4(b) of D.C. Law 12-164 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary addition of subchapter, see §§ 2-6 of the Correctional Treatment Facility Congressional Review Emergency Act of 1997 (D.C. Act 12-32, March 11, 1997, 44 DCR 1908).

For temporary amendment of section, see § 2(a) of the Correctional Treatment Facility Emergency Amendment Act of 1998 (D.C. Act 12-315, March 31, 1998, 45 DCR 2126), § 2(a) of the Correctional Treatment Facility Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-388, June 29, 1998, 45 DCR 4625), and § 2(a) of the Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Emergency Amendment Act of 1998 (D.C. Act 12-442, September 3, 1998, 45 DCR 6517).

Legislative History of Laws

Law 11-276, the "Correction Treatment Facility Act of 1996," was introduced in Council and assigned Bill No. 11-908, which was referred to the Committee on the Judiciary and the Committee of the Whole. The Bill was adopted on first and second readings on December 3, 1996, and December 17, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-523 and transmitted to both Houses of Congress for its review. D.C. Law 11-276 became effective on June 3, 1997.

Law 12-164, the "Correctional Treatment Facility Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-578. The Bill was adopted on first and second readings on March 3, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 20, 1998, it was assigned Act No. 12-335 and transmitted to both Houses of Congress for its review. D.C. Law 12-164 became effective on October 10, 1998.

Law 12-281, the "Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-584, which was referred to the

Committee on the Judiciary. The Bill was adopted on first and second readings on June 30 1998, and September 22, 1998, respectively. Signed by the Mayor on October 8, 1998, it was assigned Act No. 12-472 and transmitted to both Houses of Congress for its review. D.C. Law 12-281 became effective on May 28, 1999.

§ 24-261.02. USE OF DEADLY AND NON-DEADLY FORCE.

(a) A private correctional officer may carry firearms provided by the private operator only in the following situations:

- (1) While patrolling the perimeter grounds of the CTF or any other privately-operated prison facility;
- (2) While transporting inmates assigned to the CTF or to any other privately-operated prison facility;
- (3) While pursuing inmates assigned to the CTF or to any other privately-operated prison facility who have escaped from the custody of the Department of Corrections or the Federal Bureau of Prisons; and
- (4) During a state of emergency as determined by the Department of Corrections or the Federal Bureau of Prisons.

(b) The use of either deadly force or non-deadly force by a private correctional officer employed by the private operator shall at all times be governed by Department of Corrections Order 5010.9, as such order may from time to time be amended or modified. Notwithstanding the provisions of § 22- 4504, a private correctional officer shall have the right to possess and use firearms provided by, and in the course of employment with, the private operator; provided, that such carrying and use is in accordance with the policy established by the Department of Corrections, as set forth in Department Order 5011.1, as such order may from time to time be amended or modified. A private correctional officer shall be authorized to use such firearms only as a last resort, and then only in accordance with Department Order 5011.1.

(c) For the purposes of this section, the private operator shall be considered an organization authorized to register firearms pursuant to subchapter I of Unit A of Chapter 25 of Title 7.

(d) Each private correctional officer shall be trained in the use of force and the use of firearms, in accordance with procedures that have been reviewed by the Department of Corrections. No employee of the private operator shall be authorized to carry and use firearms until such employee has successfully completed a training program for correctional officers that has been approved by the Department of Corrections.

(June 3, 1997, D.C. Law 11-276, § 3, 44 DCR 1416; May 28, 1999, D.C. Law 12-281, §§ 2(b), (c), 45 DCR 7991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.2.

Temporary Amendments of Section

Section 2(b) of D.C. Law 12-164 added "or any other privately-operated prison facility" in (a)(1); added "or to any other privately-operated prison facility" in (a)(2) and (a)(3); added "or the Federal Bureau of Prisons" in (a)(3) and (a)(4); and, substituted "operator" for "contractor" in (c).

Section 4(b) of D.C. Law 12-164 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 2(b) of the Correctional Treatment Facility Emergency Amendment Act of 1998 (D.C. Act 12-315, March 31, 1998, 45 DCR 2126), § 2(b) of the Correctional Treatment Facility Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-388, June 29, 1998, 45 DCR 4625), and § 2(b) and (c) of the Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Emergency Amendment Act of 1998 (D.C. Act 12- 442, September 3, 1998, 45 DCR 6517).

Section 4 of D.C. Act 12-388 provides for the application of the act.

Legislative History of Laws

For legislative history of D.C. Law 11-276, see Historical and Statutory Notes following § 24-261.01.

For legislative history of D.C. Law 12-164, see Historical and Statutory Notes following § 24-261.01.

For legislative history of D.C. Law 12-281, see Historical and Statutory Notes following § 24-261.01.

§ 24-261.02A. REGISTRATION OF FIREARMS FOR PRIVATE OPERATOR.

(a) In order to register firearms, the private operator shall follow the following procedures:

(1) To register for interim approval, the private operator shall provide the Chief of the Metropolitan Police Department ("Chief of Police") with the serial numbers and storage places of firearms in the private operator's possession in the District of Columbia. If the Chief of Police determines that the information provided is satisfactory, he or she shall issue interim approval to the private operator for the weapons identified and held in the private operator's possession. The interim approval shall be valid for 90 days, during which time the private operator shall complete the actions necessary to register for permanent approval.

(2)(A) To register for permanent approval, the private operator shall provide the Chief of Police with the following information:

(i) The names and such other identifying information as the Chief of Police may require, of all private correctional officers who will be authorized by the private operator to carry and use firearms in the course of their assigned duties;

(ii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has received instructions about all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties;

(iii) Records or other evidence acceptable to the Chief of Police to demonstrate that each private correctional officer authorized to carry and use firearms has successfully completed the training required by § 24-261.02(d); and

(iv) A sworn affidavit signed by each private correctional officer authorized to carry and use firearms attesting that he or she has read and understands all applicable rules of the Department of Corrections or the Federal Bureau of Prisons regarding the use of force and deadly force in the course of his or her duties.

(B) The Chief of Police, upon determining that the information submitted in accordance with this paragraph is satisfactory, shall issue permanent registration approval to the private operator for the firearms in the private operator's possession in the District of Columbia.

(b) A private operator who is issued firearms registration approval pursuant to this section shall be subject to the duties and revocation provisions set forth in §§ 7-2502.08 and 7-2502.09, and other applicable rules and laws of the District of Columbia. A private operator shall notify the Chief of Police whenever any private correctional officer authorized to carry and use firearms leaves the private operator's employment at a facility in the District or otherwise ceases to be authorized to carry and use firearms.

(c) Nothing in § 24-261.02 or this section shall be construed to allow any private correctional officer or any other person to remove any weapon registered to the private operator from the premises and grounds of the private operator's facility except in the performance of assigned duties and in accordance with laws and rules of the District and federal governments.

(June 3, 1997, D.C. Law 11-276, § 3a, as added May 28, 1999, D.C. Law 12-281, § 2(d), 45 DCR 7991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.2a.

Emergency Act Amendments

For temporary addition of section, see § 2(d) of the Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Emergency Amendment Act of 1998 (D.C. Act 12-442, September 3, 1998, 45 DCR 6517).

Legislative History of Laws

For legislative history of D.C. Law 12-281, see Historical and Statutory Notes following § 24-261.01.

§ 24-261.02B. HEALTH PROFESSIONALS TRANSFERRING FROM DISTRICT GOVERNMENT EMPLOYMENT TO EMPLOYMENT BY A PRIVATE OPERATOR.

A health professional shall remain covered by § 3-1201.04 if the following criteria are met:

(1) The health professional is transferred from employment by the District government to employment by a private operator to perform essentially the same services as the person performed while employed by the District government and continues to perform such services for the duration of his or her employment by a private operator; and

(2) The health professional is covered by § 3-1201.04.

(June 3, 1997, D.C. Law 11-276, § 3b, as added May 28, 1999, D.C. Law 12- 281, § 2(e), 45 DCR 7991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.2b.

Emergency Act Amendments

For temporary addition of section, see § 2(e) of the Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Emergency Amendment Act of 1998 (D.C. Act 12-442, September 3, 1998, 45 DCR 6517).

Legislative History of Laws

For legislative history of D.C. Law 12-281, see Historical and Statutory Notes following § 24-261.01.

§ 24-261.03. INMATES CONFINED TO CTF.

(a) An inmate confined in the CTF shall be deemed to be at all times in the legal custody of the Department of Corrections. Only the Department of Corrections shall have authority to transfer or assign inmates into or out of the CTF. All laws and regulations governing conduct of inmates, including, without limitation, Title 22 of the District of Columbia Official Code, shall apply to inmates confined to the CTF during such time as the CTF is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees, including, without limitation, the penalties provided for in § 22-405, shall apply *mutatis mutandis* to offenses committed against any private correctional officer or other employee of the private operator.

(b) An inmate confined in any privately-operated prison facility established pursuant to Subtitle C of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (P.L. 105-33; 111 Stat. 712), shall be deemed to be at all times in the legal custody of the Federal Bureau of Prisons. Only the Federal Bureau of Prisons shall have authority to transfer or assign inmates into or out of the privately-operated prison facility. All laws and regulations governing conduct of inmates in Federal Bureau of Prisons facilities shall apply to inmates confined in any privately-operated prison facility during such time as the prison facility is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees shall apply wherever applicable to offenses committed against any private correctional officer or other employee of the private operator.

(June 3, 1997, D.C. Law 11-276, § 4, 44 DCR 1416; May 28, 1999, D.C. Law 12-281, § 2(f), 45 DCR 7991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.3.

Temporary Amendments of Section

Section 2(c) of D.C. Law 12-164 added (b).

Section 4 of D.C. Law 12-164 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 2(c) of the Correctional Treatment Facility Emergency Amendment Act of 1998 (D.C. Act 12-315, March 31, 1998, 45 DCR 2126), § 2(c) of the Correctional Treatment Facility Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-388, June 29, 1998, 45 DCR 4625), and § 2(f) of the Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Emergency Amendment Act of 1998 (D.C. Act 12-442, September 3, 1998, 45 DCR 6517).

Legislative History of Laws

For legislative history of D.C. Law 11-276, see Historical and Statutory Notes following § 24-261.01.

For legislative history of D.C. Law 12-164, see Historical and Statutory Notes following § 24-261.01.

For legislative history of D.C. Law 12-281, see Historical and Statutory Notes following § 24-261.01.

§ 24-261.04. IMMUNITY FROM LIABILITY; INDEMNIFICATION INSURANCE.

(a) The private operator shall protect, defend, indemnify, save, and hold harmless the District, its officers, agents, servants, employees, and volunteers from and against any and all claims, demands, expenses, and liability arising out of or relating to acts or omissions of the private operator, its agents, servants, subcontractors, and employees in the performance of its contract with the District regardless of whether any damage resulting from the private operator's act, omission, or default is caused in part by the District, and any and all costs, expenses, and attorneys fees incurred by the District as a result of any such claim, demand, or cause of action including, but not limited to, any and all claims arising from:

(1) Any breach or default on the part of the private operator in the performance of its duties and obligations under its contract with the District;

(2) Any services rendered by the private operator or by any person or firm performing or supplying services, materials, or supplies in connection with the performance of the private operator's contract with the District;

(3) Any person or firm injured or damaged by the private operator, its officers, agents, servants, subcontractors, or employees by the publication, translation, reproduction, delivery, performance, use, or disposition of any data processed under its contract with the District in a manner not authorized by the contract, or by federal or District statutes or regulations; and

(4) Any failure of the private operator, its officers, agents, servants, subcontractors, or employees to observe federal or District laws, including, but not limited to, the Constitution of the United States.

(b) The private operator shall not waive, release, or otherwise forfeit any possible defense the District may have regarding claims arising from or made in connection with the operation of the CTF by the private operator without the consent of the District. The private operator shall preserve all available defenses and cooperate with the District to make such defenses available to the maximum extent allowed by law.

(c) The private operator shall provide an adequate policy of insurance to cover the indemnification provided for in this section, including coverage for civil rights claims. The adequacy of the insurance policy shall be determined by a risk management or actuarial firm with demonstrated experience in public liability for state and municipal governments. The insurance policy shall provide that the District is named as an additional insured and that the District shall be sent any notice of cancellation or material alteration.

(June 3, 1997, D.C. Law 11-276, § 5, 44 DCR 1416.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.4.

Legislative History of Laws

For legislative history of D.C. Law 11-276, see Historical and Statutory Notes following § 24-261.01.

§ 24-261.05. EXEMPTIONS FROM LEASING AND PROPERTY LAWS.

(a) Notwithstanding § 1-301.91, and § 10-801, the Mayor of the District of Columbia is authorized to sell and leaseback, in his discretion, for the best interests of the District of Columbia, the Correctional Treatment Facility, situated on Lot 800 of Square 1112, with a street address of 1901 E Street, S.E.

(b) Notwithstanding § 10-111, the Council of the District of Columbia approves the transfer from the United States government to the District of Columbia of jurisdiction over that portion of Lot 800 of Square 1112 upon which is situated the District of Columbia Correctional Treatment Facility, as shown on a plat to be drawn and filed in the Office of the Surveyor of the District of Columbia.

(June 3, 1997, D.C. Law 11-276, § 6, 44 DCR 1416.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-495.5.

Legislative History of Laws

For legislative history of D.C. Law 11-276, see Historical and Statutory Notes following § 24-261.01.

SUBCHAPTER VII-A. FAIR PHONE CHARGES FOR PRISONERS.

§ 24-263.01. TELEPHONE CHARGES IN PENAL OR CORRECTIONAL

INSTITUTIONS.

(a) Notwithstanding any other District of Columbia law, no telephone service provider shall charge a customer a rate for operator-assisted calls made from a penal or correctional institution in the District of Columbia in excess of the maximum rate determined by the Public Service Commission of the District of Columbia.

(b) No penal or correctional institution in the District of Columbia shall charge a surcharge, commission, or other financial imposition that is in addition to legally established rates for local or long-distance telephone service.

(Apr. 27, 2001, D.C. Law 13-280, § 2, 48 DCR 1885.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 13-280, the "Fair Phone Charges For Prisoners Act of 2000", was introduced in Council and assigned Bill No. 13-632, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-577 and transmitted to both Houses of Congress for its review. D.C. Law 13-280 became effective on April 27, 2001.

§ 24-263.02. PROHIBITED CHARGES IN GOVERNMENT CONTRACTS.

In any contract to which the District of Columbia is a party that is for the holding or incarceration of persons charged or convicted in the Superior Court of the District of Columbia, such contract shall prohibit surcharges, commissions, or other financial impositions that are in addition to the legally established rates for calls made by any inmate subject to the contract. The District of Columbia government shall seek to obtain quality service for the least cost to the individual party paying for the telephone call by an inmate subject to the contract.

(Apr. 27, 2001, D.C. Law 13-280, § 3, 48 DCR 1885.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-280, see notes following § 24-263.01.

§ 24-263.03. DEPARTMENT OF CORRECTIONS REPORT.

(a) The Department of Corrections ("Department") shall survey the communications plans used by the Federal Bureau of Prisons, and all state prison systems. The Department shall explore additional alternative communication plans with telecommunications companies. The explored alternatives shall include prison commissary phone accounts, restricted calling cards, presenting calling cards, and debit calling cards.

(b) No later than 180 days after April 27, 2001, the Department shall report to the Council and the Mayor the results of the survey and the exploration of alternatives. The report shall include the merits and disadvantages of each communication plan examined, including consideration of the security needs of the Department, the financial burden to the families and other individuals telephoned, the availability of telecommunications to the inmates, the feasibility of waiving the gross receipts tax, and other incentives to control the cost of inmate phone service. The report shall include a recommendation for an inmate telephone service.

(Apr. 27, 2001, D.C. Law 13-280, § 4, 48 DCR 1885.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-280, see notes following § 24-263.01.

§ 24-263.04. OPERATOR-ASSISTED CALLS.

The Public Service Commission shall determine the maximum rate for operator-assisted calls made from phones utilized by inmates of a penal or correctional institution in the District of Columbia.

(Apr. 27, 2001, D.C. Law 13-280, § 5, 48 DCR 1885.)

HISTORICAL AND STATUTORY NOTES

For Law 13-280, see notes following § 24-263.01.

SUBCHAPTER VIII. CORRECTIONAL INDUSTRIES FUND.[REPEALED]

§§ 24-271 TO 24-275. ESTABLISHMENT OF FUND; AVAILABILITY OF FUND FOR REHABILITATION OF CONVICTS; SALE OF PRODUCTS AND SERVICES, DEPOSIT OF RECEIPTS, USE; ANNUAL REPORT, DISPOSITION OF FUNDS; TRANSFER OF ASSETS.[REPEALED]

(Oct. 3, 1964, 78 Stat. 1000, Pub. L. 88-622, § 1; May 8, 1996, D.C. Law 11-117, § 17(a), 43 DCR 1179.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 24-451 to 24-455.

1973 Ed., §§ 24-451 to 24-455.

Legislative History of Laws

For legislative history of D.C. Law 11-117, see Historical and Statutory Notes following § 24-231.01.

SUBCHAPTER IX. INMATE WELFARE FUND.

§ 24-281. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Commissary" means a system through which inmates in District correctional facilities are able to purchase permitted commodities.
- (2) "Committee" means the Inmate Welfare Fund Committee established by section 3005.
- (3) "Correctional facility" means any building, or group of buildings, and concomitant services, operated as a single management unit by, or under contract with, the Department of Corrections for the purpose of housing and providing services to persons ordered confined pending trial or upon conviction and sentencing for a violation of law.
- (4) "Department" means the Department of Corrections.
- (5) "Director" means the Director of the Department of Corrections.
- (6) "Fund" means the Inmate Welfare Fund established by § 24-282.

(Mar. 2, 2007, D.C. Law 16-192, § 3002, 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3002 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 3002 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 3002 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

Law 16-192, the "Fiscal Year Budget Support Act of 2006", was introduced in Council and assigned Bill No. 16-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 9, 2006, and June 6, 2006, respectively. Signed by the Mayor on August 8, 2006, it was assigned Act No. 16-476 and transmitted to both Houses of Congress for its review. D.C. Law 16-192 became effective on March 2, 2007.

Miscellaneous Notes

Short title: Section 3001 of D.C. Law 16-192 provided that subtitle A of title III of the act may be cited as the

§ 24-282. ESTABLISHMENT OF INMATE WELFARE FUND; AUDIT; REPORT.

(a) There is established a nonlapsing fund to be known as the Inmate Welfare Fund and to be used for the purposes set forth in § 24-283.

(b) The Fund shall consist of:

(1) An initial appropriation in fiscal year 2007; and

(2) Monies derived from the sale of goods through the commissary at correctional facilities.

(c) Except as provided in § 24-283(2), funds deposited into the Fund shall not be transferred or revert to the fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in § 24-283, subject to authorization by Congress.

(d) The Fund shall comply with all financial and procurement statutes, rules, regulations, standards, and systems promulgated by the District of Columbia government.

(e) The Fund shall be subject to annual audits scheduled by the Office of the Chief Financial Officer, which shall be submitted to the Council no later than February 1 of each year. The scope of the audit shall include an examination of the Department's use of Fund profits, including stocking the commissaries, low-bond releases, providing inmate clothing upon release, and funding transportation costs for inmates after release. The audit reports shall be submitted to the Council and the Mayor.

(Mar. 2, 2007, D.C. Law 16-192, § 3003, 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3003 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 3003 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 3003 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For Law 16-192, see notes following § 24-281.

§ 24-283. USES OF INMATE WELFARE FUND.

The Fund shall be used for the following purposes, in order of priority:

(1) To stock the commissaries of District correctional facilities;

(2) To repay the initial appropriation used to finance the Fund; and

(3) To provide goods and services that benefit the general inmate population at District correctional facilities, as determined by the Inmate Welfare Fund Committee established in § 24-284.

(Mar. 2, 2007, D.C. Law 16-192, § 3004, 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3004 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 3004 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 3004 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For Law 16-192, see notes following § 24-281.

§ 24-284. INMATE WELFARE FUND COMMITTEE.

(a) The Inmate Welfare Fund Committee is established for the purpose of administering and supervising the operations of and the expenditures from the Inmate Welfare Fund.

(b) The Committee shall be composed of the following 5 members:

(1) The Director of the Department of Corrections, or his or her designee;

(2) The General Counsel of the Department of Corrections, or his or her designee;

(3) The Warden of the Central Detention Facility, or his or her designee;

(4) The Manager of the Office of Internal Controls, Compliance, and Accreditation of the Department of Corrections, or his or her designee; and

(5) The Director of the Office of Management Information and Technological Services of the Department of Corrections, or his or her designee.

(c) The Committee shall maintain a record of its authorization and approval for all expenditures from the Fund.

(d) The Committee may promulgate regulations governing the use and expenditures of the Fund.

(Mar. 2, 2007, D.C. Law 16-192, § 3005, 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3005 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 3005 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 3005 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For Law 16-192, see notes following § 24-281.