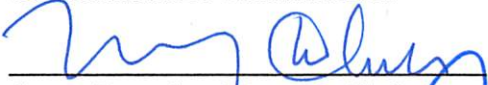




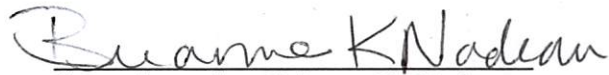
Councilmember Charles Allen



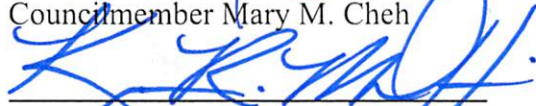
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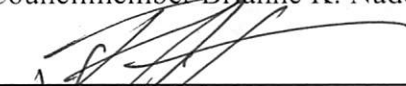
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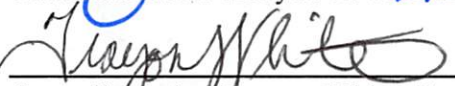
Councilmember Brianne K. Nadeau



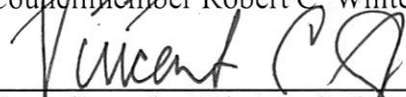
Councilmember Kenyan R. McDuffie



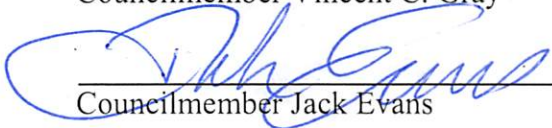
Councilmember Robert C. White, Jr.



Councilmember Trayon White, Sr.



Councilmember Vincent C. Gray



Councilmember Jack Evans

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 7 Title 16 of the District of Columbia Official Code to establish a panel of special education attorneys to represent students with identified special education needs who are involved in the criminal justice system.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Education Rights for Youth Defendants Amendment Act of 2018".

Sec. 2. Chapter 7 of Title 16 of the District of Columbia Official Code is amended by adding a new section 16-714 to read as follows:

"Sec. 16-714. Designation and approval of a special education panel.

"(a) The Criminal Division of the Superior Court ("Court") shall designate and approve a panel of special education attorneys to represent indigent youth defendants with disabilities according to rules it establishes.

39 “(b) An attorney appointed from the panel to represent an indigent youth defendant with a
40 disability shall assist the Court in acting in the best interests of the defendant.

41 “(c)(1) The Court shall maintain a register of those attorneys who have expressed
42 an interest in being appointed to serve as special education attorneys in criminal proceedings and
43 shall attempt insofar as possible to make panel appointments from the register.

44 (2) The Court may only appoint attorneys to be included on the panel after careful
45 consideration of the qualifications of each attorney.

46 “(d) The Court shall compensate special education attorneys appointed pursuant to this
47 section according to funding availability and rules it establishes.

48 “(e) The Office of Victim Services and Justice Grants shall issue a grant to the Court for
49 the purpose of funding all costs associated with subsections (a) through (d) of this subsection.

50 “(f) For the purposes of this section, the term “youth defendant with a disability” means:

51 (1) A criminal defendant charged as an adult;

52 (2) Who is under 22 years of age; and

53 (3) Who qualifies as a child with a disability, as that term is defined pursuant to
54 section 602(3) of the Individuals with Disabilities Education Act, approved April 13, 1970, (84
55 Stat. 175; 20 U.S.C. § 1401(3)).”.

56 Sec. 3. Fiscal impact statement.

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

60 Sec. 4. Effective date.

61 This act shall take effect following approval by the Mayor (or in the event of veto by the

62 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
63 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
64 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
65 Columbia Register.