

Councilmember Charles Allen

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the analysis of the root causes of youth crime and prevalence of adverse childhood experiences report to March 31, 2020, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; and to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify that amendments to section 3c of the act apply to all proceedings pending in any District of Columbia court that were initiated under that section.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2019”.

Sec. 2. Section 102(a) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)), is amended as follows:

39 (a) Paragraph (3)(K) is amended by striking the phrase “; and” and inserting a semicolon  
40 in its place.

41 (b) Paragraph (4)(B) is amended by striking the period and inserting the phrase “; and” in  
42 its place.

43 (c) A new paragraph (5) is added to read as follows:

44 “(5) To aid in the development of the report required by section 1505(b-3) of the  
45 Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001,  
46 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”

47 Sec. 3. Section 302 of the District of Columbia Mental Health Information Act of 1978,  
48 effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

49 (a) Paragraph (2) is amended by striking the phrase “; or” and inserting a semicolon in its  
50 place.

51 (b) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its  
52 place.

53 (c) A new paragraph (4) is added to read as follows:

54 “(4) To meet the requirements of section 1505(b-3) of the Criminal Justice  
55 Coordinating Council for the District of Columbia Establishment Act of 2001, effective October  
56 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”

57 Sec. 4. Section 1505 of the Criminal Justice Coordinating Council for the District of  
58 Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official  
59 Code § 22-4234), is amended as follows:

60 (a) Subsection (b-3) is amended by striking the phrase “On October 1, 2018” and inserting  
61 the phrase “On March 31, 2020” in its place.

62 (b) A new subsection (b-4) is added to read as follows:

63 “(b-4) Upon request by the CJCC and to aid in the development of the report required by  
64 subsection (b-3), the following agencies shall provide, or cause to be provided, the information  
65 listed below to the CJCC, including any associated personally identifying information:

66 “(1) The Office of the State Superintendent of Education shall provide, or cause to  
67 be provided, the following information for each student enrolled in a District of Columbia Public  
68 School or a District of Columbia public charter school for the preceding 2 completed academic  
69 years:

70 “(A) Demographic information, including:

71 “(i) Name, address, and date of birth;

72 “(ii) Sex;

73 “(iii) Gender;

74 “(iv) Race; and

75 “(v) Ethnicity;

76 “(B) Enrollment data, including:

77 “(i) The school or campus attended by each student;

78 “(ii) The location of the school or campus;

79 “(iii) Whether the school or campus is an elementary school, middle  
80 school, or high school;

81 “(iv) Whether the school or campus is a public school, public charter  
82 school, or private school;

83 “(v) The student’s grade level;

84 “(vi) Whether the student receives special education services;

85                                   “(vii) Whether the student is identified as homeless; and  
86                                   “(viii) Whether the student is one year older, or more, than the  
87 expected age for the grade in which the student is enrolled;  
88                                   “(C) Attendance data;  
89                                   “(D) Performance data, including:  
90                                   “(i) Student performance on any District-wide assessments; and  
91                                   “(ii) Grade advancement for students enrolled; and  
92                                   “(E) Discipline data, including:  
93                                   “(i) Total number of in-school suspensions, out-of-school  
94 suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary  
95 withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with  
96 disabilities, changes in placement, experienced by the student during each school year;  
97                                   “(ii) Total number of days excluded from school;  
98                                   “(iii) Whether the student was referred to an alternative education  
99 setting for the duration of a suspension, and whether the student attended;  
100                                   “(iv) Whether the student was subject to a disciplinary unenrollment  
101 during the school year;  
102                                   “(v) Whether the student voluntarily withdrew or voluntarily  
103 transferred from the school during the school year;  
104                                   “(vi) Whether the student was subject to referral to law enforcement;  
105                                   “(vii) Whether the student was subject to school-related arrest; and  
106                                   “(viii) A description of the misconduct that led to or reasoning  
107 behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment,

108 voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students  
109 with disabilities, change in placement;

110 “(2) The Department of Health Care Finance shall provide, or cause to be provided,  
111 the following information for individuals between the ages of 10 and 18:

112 “(A) Demographic information, including:

113 “(i) Name, address, and date of birth;

114 “(ii) Sex;

115 “(iii) Gender;

116 “(iv) Race; and

117 “(v) Ethnicity;

118 “(B) Enrollment data, including;

119 “(i) Eligibility start date;

120 “(ii) Eligibility end date; and

121 “(iii) Eligibility basis;

122 “(C) Claims data with mental, behavioral, and neurodevelopmental disorder  
123 diagnoses or substance abuse diagnoses; and

124 “(D) Claims data with mental health or substance abuse procedures;

125 “(3) The Department of Human Services shall provide, or cause to be provided,  
126 enrollment data for households participating in the District’s Temporary Assistance for Needy  
127 Families (“TANF”) program, including:

128 “(A) The name, address, and date of birth for each household member for  
129 individuals between the ages of 10 and 18; and

130 “(B) Household income information; and

131                   “(4) The Child and Family Services Agency shall provide, or cause to be provided,  
132 the following information for individuals between the ages of 10 and 18:

133                   “(A) Demographic information, including:

134                               “(i) Name, address, and date of birth;

135                               “(ii) Sex;

136                               “(iii) Gender;

137                               “(iv) Race; and

138                               “(v) Ethnicity;

139                   “(B) Investigation data related to alleged child abuse or neglect, including:

140                               “(i) Allegations made against the individual’s parents, guardians, or  
141 other custodians;

142                               “(ii) Whether the allegations were substantiated or inconclusive;

143                               “(iii) The date the investigation was completed or suspended;

144                               “(iv) Whether the individual was removed from the home or another  
145 location;

146                               “(v) The reason for the removal; and

147                               “(vi) The date of the removal; and

148                   “(C) Family assessment data related to alleged child abuse or neglect,  
149 including:

150                               “(i) Allegations made against the individual’s parents, guardians, or  
151 other custodians;

152                               “(ii) The date the family assessment was initiated;

153                               “(iii) The date the family assessment was completed;

154 “(iv) Whether the family assessment resulted in the determination  
155 that the family needs services or resulted in a referral for investigation; and

156 “(v) The reason the family assessment was closed.”.

157 Sec. 5. Section 3c of An Act To establish a Board of Indeterminate Sentence and Parole  
158 for the District of Columbia and to determine its functions, and for other purposes, approved July  
159 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.03), is amended by adding a new subsection  
160 (f) to read as follows:

161 “(f) Any amendments to this section shall apply to all proceedings initiated under this  
162 section, including any appeals thereof, in any District of Columbia court, including proceedings  
163 that are pending as of the effective date of the Criminal Justice Coordinating Council Information  
164 Sharing Emergency Amendment Act of 2019, passed on final reading on July 9, 2019 (Enrolled  
165 version of B23-\_\_\_\_), regardless of when those proceedings were initiated.”.

166 Sec. 6. Fiscal impact statement.

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

170 Sec. 7. Effective date.

171 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
172 the Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
173 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,  
174 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
175 Columbia Register.

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




**OFFICE OF THE GENERAL COUNSEL**

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(202) 724-8026

**MEMORANDUM**

**TO:** Councilmember Charles Allen

**FROM:** Nicole L. Streeter, General Counsel 

**DATE:** July 7, 2019

**RE:** Legal sufficiency determination for Bill 23-XXX, the Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2019

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The measure is legally and technically sufficient for Council consideration.

The bill would amend, on a temporary basis, the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of certain health and human services information; provided, that the disclosure does not permit the identity of an individual to be reasonably inferred or the entity receiving the information affirms in writing that any individually identifiable health information will be treated in accordance with the Health Insurance Portability and Accountability Act of 1996.

The bill would amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information by a mental health professional or mental health facility where necessary and, to the extent necessary, to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth.

The bill would amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to:

- Extend the deadline for submission a report containing an analysis of the root causes of youth crime and prevalence of adverse childhood experiences from October 1, 2018 to March 31, 2020; and
- Require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report.



Finally, the bill would amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify that any amendments to section 3c of that act enacted after the effective date of the Comprehensive Youth Justice Amendment Act of 2016 shall apply to all proceedings pending in any District of Columbia court initiated under section 3c, regardless of when the amendments were enacted or the proceedings were initiated.

I am available if you have any questions.