



OFFICE OF THE
SECRETARY

2016 DEC 16 PH 2:27

MURIEL BOWSER
MAYOR

DEC 16 2016

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

Dear Chairman Mendelson:

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


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

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

Sincerely,

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

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend section 103 of the Omnibus Public Safety and Justice Amendment Act of 2009 to make it unlawful to tamper with a detection device required by any custodial or supervision entity with authority over an individual subject to monitoring.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tampering with a Detection Device Emergency Declaration Resolution of 2016”.

Sec. 2. (a) Currently, District law makes it illegal for a person to tamper with an electronic monitoring device that the person is required to wear as a condition imposed by the United States Parole Commission or the Superior Court of the District of Columbia.

(b) Electronic monitoring devices serve as a significant tool in monitoring offender compliance and are important to public safety, and therefore other public safety and justice agencies such as the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the Department of Corrections, have the authority to require individuals to wear the devices under certain circumstances.

(c) Because of a significant gap in existing District law, however, tampering with electronic monitoring devices required by these other public safety and justice agencies is not illegal.

1 (c) Closing this significant gap in the law will allow the agencies to more effectively
2 track individuals under their supervision and creates an important deterrent and ensures that
3 people who tamper with an electronic monitoring device will immediately be held accountable.

4 (e) There exists an immediate need to make it unlawful to tamper with a detection device
5 required by any supervising entity with control over an individual subject to monitoring.

6 Sec. 3. The Council of the District of Columbia determines that the circumstances
7 enumerated in section 2 constitute emergency circumstances making it necessary that the
8 “Tampering with a Detection Device Emergency Amendment Act of 2016” be adopted after a
9 single reading.

10 Sec. 4. This resolution shall take effect immediately.