A RESOLUTION

<u>23-188</u>

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

<u>July 9, 2019</u>

To declare the existence of an emergency with respect to the need to amend 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, regardless of when those proceedings were initiated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Criminal Justice Coordinating Council Information Sharing Emergency Declaration Resolution of 2019".

Sec. 2. (a) The Council passed the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 63 DCR 15312) ("CYJAA"), on November 1, 2016. Section 304 of the CYJAA requires that the Criminal Justice Coordinating Council "submit a report to the Mayor and the Council containing an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth."

(b) The Criminal Justice Coordinating Council has encountered difficulties obtaining the data necessary to complete the report from the Office of the State Superintendent of Education, the Department of Health Care Finance, the Department of Human Services, and the Child and Family Services Agency.

(c) This emergency legislation is necessary to ensure that the Criminal Justice Coordinating Council can receive that data. The data sharing required by the legislation is limited to this report only.

(d) This emergency legislation also clarifies one other section of the CYJAA – the Incarceration Reduction Amendment Act of 2016 ("IRAA") – to provide that the most recent amendment to the IRAA, as well as the accompanying legislative intent for that amendment, shall apply to any IRAA proceeding currently pending in a District of Columbia court, including appeals. Although this was the Council's intent in passing IRAA, it is now necessary to affirm that intent, as the Council has subsequently amended IRAA once, and legislation to do so again is currently pending in the Committee on the Judiciary and Public Safety. For example, one eligible inmate's IRAA petition was denied under the first iteration of IRAA and is now on appeal. It is the Council's intent that the amendment to IRAA passed in D.C. Law 22-313 should be applied when the court reviews the denial on appeal. Similarly, for petitions currently pending that were filed under the first iteration of IRAA, the amendment to the IRAA contained in D.C. Law 22-313 applies to those petitions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.