



COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF COUNCILMEMBER BROOKE PINTO
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W., SUITE 106
WASHINGTON, D.C. 20004

September 18, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the “Addressing Crime through Targeted Interventions and Violence Enforcement (“ACTIVE”) Amendment Act of 2023.” Please find enclosed a signed copy of the legislation.

The ACTIVE Amendment Act, which is the product of conversations with the United States Attorney’s Office for the District, includes a number of provisions that are aimed at deterring and/or holding accountable the small number of individuals engaging in serious violent crimes in the District.

First: The District is experiencing a crisis of gun violence. A relatively small number of individuals are responsible for the majority of that gun violence. Many of these individuals engage in repeated firearms offenses, and firearms offenders have higher rates of recidivism than other offenders.¹ Recognizing that swift and certain apprehension is an effective deterrent to criminal activity, this bill proposes requiring individuals on probation, supervised release, or parole following a conviction for a gun offense be required to submit to a search when they are in a public place. This proposal draws on a similar policy that has been in place in California for a number of years.

The bill also includes other proposals aimed at deterring individuals from engaging in dangerous gun crimes, namely:

- Adjusting the maximum penalties for endangerment with a firearm to bring them in line with other firearms offenses; and increasing the maximum penalty for individuals firing a large number of bullets at a time.
- Requiring that sentences for possession of extremely dangerous weapons like machine guns be stacked on top of baseline penalties, rather than running concurrently.
- Creating a new offense of unlawful discarding of firearms and ammunition. Often, individuals who are being pursued by law enforcement will throw a firearm or ammunition

¹ A 2019 report from the United States Sentencing Commission found that firearms offenders recidivate at a higher rate than, and more quickly than, non-firearms offenders. Iaconetti et al., *Recidivism Among Federal Firearms Offenders*, U.S. Sentencing Commission (June 2019), [available here](#).

while running, in an effort to avoid being caught with an illegal weapon. This new provision will ensure accountability for this dangerous behavior.

In addition to the gun violence that is directly and indirectly impacting so many residents in the District, a significant spike in carjackings has caused many residents to feel unsafe going about their daily lives. Yet victims of carjackings sometimes find that because of slight quirks in the facts of their case, their attackers cannot actually be charged with carjacking. The bill would address some of these situations by amending the definition of carjacking to include situations where the victim is not in or immediately next to their vehicle.

Ensuring that individuals can be appropriately charged with violent crimes like gun offenses and carjackings is not sufficient by itself. Often, these individuals are released back into the community pending trial. And too often, individuals on pretrial release go on to commit more violent offenses. The *Prioritizing Public Safety Emergency Amendment Act*, which I introduced and the Council passed 12-1 in July,² addressed this issue by expanding the categories of violent crimes that qualify for a presumption in favor of pretrial detention. This legislation builds on those changes. **The bill proposes that in any case where a judge decides to release individuals charged with violent crimes, the judge must issue written findings setting forth the evidence that supported the decision.**

The District has also experienced an uptick in sexual abuse and domestic violence in recent months. These crimes often presage repeated and, in some cases, escalating violence. For instance, strangulation has been recognized as a strong predictor of future fatalities in domestic violence situations. Recognizing the unique danger of future violence that these crimes signify, **the bill classifies strangulation and certain sexual abuse crimes as “dangerous crimes” and “crimes of violence.”** Among other things, this will ensure that these crimes qualify for a presumption in favor of pretrial detention.

Finally, as United States Attorney Matt Graves has recently noted, courts have been reluctant to classify serious offenses like shooting someone with a firearm at the appropriate level of severity. To address this, the bill clarifies the definitions of what constitutes “serious” and “significant” bodily injury for purposes of establishing felony liability for crimes like assault. This will ensure that individuals engaging in serious violent crimes are subject to the appropriate level of liability.

Of course, while violent and repeat offenders need to be held accountable, prosecution is not always the best avenue to address low-level criminal behavior. Many individuals engaging in non-violent misdemeanor criminal activity are driven by underlying mental and behavioral health issues and substance use disorders. In an effort to help identify more of these individuals, connect them with services address the underlying issues, and avoid putting them into the traditional criminal justice system, **the bill proposes creating a Prearrest Diversion Task Force. The Task Force would be charged with developing recommendations for increasing the use of prearrest diversion and implementing those recommendations.**

It is imperative that the District respond to the ongoing crisis of violent crime with urgency and thoughtfulness. The proposals in this bill will help to ensure that individuals who are engaging in dangerous and harmful behavior can be held accountable and removed from their communities when necessary, or, hopefully, deterred from harming their neighbors in the first place. They will

² Bill 25-395. [See here](#) for more information.

also ensure that we avoid unnecessary overincarceration and address the underlying causes of low-level non-violent crimes.

If you have any questions about this legislation, please contact Evan Marolf, Deputy Committee Director for the Committee on the Judiciary and Public Safety, at emarolf@dccouncil.gov.

Thank you,

A handwritten signature in blue ink that reads "BE Pinto". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brooke Pinto

BE Pinto

Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Firearms Control Regulations Act of 1975 to require gun offenders who are on probation, supervised release, or parole to agree to submit to a search when they are in a public place; to amend An Act To establish a code of law for the District of Columbia to clarify the definitions of serious and significant bodily injury, and to expand the definition of carjacking; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to establish an offense of discarding firearms and ammunition, and to establish an offense of endangerment with a firearm; to amend Title 23 of the District of Columbia Official Code to enhance the rebuttable presumption in favor of pretrial detention in cases involving violent crimes and sexual abuse, to require judges to issue written findings where they decide against holding individuals pretrial, to eliminate the requirement that extensions to the 100-day clock for pretrial detention for offenses other than those listed in § 23-1325(a) be granted only in 20-day increments, to amend the definitions of dangerous crimes and crimes of violence to include certain additional sexual abuse offenses and to include strangulation as a crime of violence, and to establish a Prearrest Diversion Task Force to develop and implement recommendations for diverting individuals engaged in low-level non-violent crimes from the criminal justice system prior to arrest.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Addressing Crime through Targeted Interventions and Violence Enforcement (“ACTIVE”) Amendment Act of 2023”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2508.01 *et seq.*) is amended by adding a new section 808 to read as follows:

“Sec. 808. Searches of gun offenders on probation, supervised release, or parole.

41 “(a) A person convicted of a gun offense, who is on probation, supervised release, or
42 parole, shall be subject to search or seizure by a law enforcement officer at any time of the day or
43 night, with or without a search warrant or with or without cause, when that person is in a place
44 other than the person’s dwelling place, place of business, or on other land possessed by the
45 person.

46 “(b) A person convicted of a gun offense, who is on probation, supervised release, or
47 parole, shall be given written notice by the court or supervising entity that the person is subject to
48 terms and conditions of release.

49 “(c) The notice shall include an advisement that the person is subject to search or seizure
50 by a law enforcement officer at any time of the day or night, with or without a search warrant or
51 with or without cause, when that person is in a place other than the person’s dwelling place,
52 place of business, or on other land possessed by the person.

53 “(d) It is not the intent of the Council to authorize law enforcement officers to conduct
54 searches for the sole purpose of harassment.”.

55 Sec. 3. An Act To establish a code of law for the District of Columbia, approved March
56 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

57 (a) Section 806 (D.C. Official Code § 22-404) is amended as follows:

58 (1) Subsection (a)(2) is amended by striking the phrase “For the purposes of this
59 paragraph, the term “significant bodily injury” means an injury that requires hospitalization or
60 immediate medical attention.”.

61 (2) A new subsection (a)(3) is added to read as follows:

62 “(3) For the purposes of this section, “significant bodily injury” means:

63 “(A) An injury that requires hospitalization or medical treatment beyond
64 what a layperson can personally administer;
65 “(B) A fracture of a bone;
66 “(C) A laceration for which the victim required or received stitches,
67 sutures, staples, or closed-skin adhesives; or a laceration that is at least one inch in length and at
68 least one quarter of an inch in depth;
69 “(D) A burn of at least second degree severity;
70 “(E) Any loss of consciousness; or
71 “(F) An injury where medical testing, beyond what a layperson can
72 personally administer, was performed to ascertain whether there was an injury described in
73 subparagraphs (A)-(E) of this subsection.”.

74 (b) Section 806a (D.C. Official Code § 22-404.01) is amended by adding a new
75 subsection (d) to read as follows:

76 “(d) For the purposes of this section, “serious bodily injury” means an injury or
77 significant bodily injury (as that term is defined in § 22-404(a)(3)) that involves:

- 78 “(1) A substantial risk of death;
- 79 “(2) Protracted and obvious disfigurement;
- 80 “(3) Protracted loss or impairment of the function of a bodily member, organ, or
81 mental faculty;
- 82 “(4) Protracted loss of consciousness;
- 83 “(5) A traumatic brain injury;
- 84 “(6) A burn of at least third degree severity;
- 85 “(7) A gunshot wound; or

86 “(8) An injury where hospitalization or medical treatment beyond what a
87 layperson can personally administer prevented an injury set forth in subparagraphs (1)-(6) of this
88 subsection.”.

89 (c) Section 806d(c)(1) (D.C. Official Code § 22-404.04(c)(1)) is amended by striking the
90 phrase “§ 22-3001(7),” and inserting the phrase “§ 22-404.01(d),” in its place.

91 (d) Section 811a(a)(1) (D.C. Official Code § 22-2803(a)(1)) is amended to read as
92 follows:

93 “(a)(1) A person commits the offense of carjacking if, by any means, that person
94 knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy
95 seizure or snatching, or by putting in fear, or attempts to do so, shall take a motor vehicle from
96 the person or presence of another, or that person knowingly or recklessly by force or violence, or
97 by putting in fear, shall take a key to a motor vehicle from the immediate actual possession of
98 another, with the purpose and effect of taking the motor vehicle of another.”.

99 Sec. 4. Section 432(c) of the Revised Statutes of the District of Columbia (D.C. Official
100 Code § 22-405(c)) is amended by inserting the phrase ““Significant bodily injury” shall have the
101 same meaning as provided in § 22-404(a)(3).” at the end.

102 Sec. 5. Section 101(7) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995
103 (D.C. Law 10-257; D.C. Official Code § 22-3001(7)) is amended to read as follows:

104 “(7) “Serious bodily injury” shall have the same meaning as provided in § 22-
105 404.01(d).”.

106 Sec. 6. An Act To control the possession, sale, transfer and use of pistols and other
107 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of

108 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
109 4501 *et seq.*), is amended as follows:

110 (a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

111 (1) Paragraph (1) is redesignated as paragraph (1B).

112 (2) A new paragraph (1A) is added to read as follows:

113 “(1A) “Ammunition” shall have the same meaning as provided in § 7-
114 2501.01(2).”.

115 (b) A new section 3c is added to read as follows:

116 “Sec. 3c. Endangerment with a firearm.

117 “(a) A person commits endangerment with a firearm when the person:

118 “(1) Knowingly discharges a projectile from a firearm outside a licensed firing
119 range; and

120 “(2) Either:

121 “(A) The person knows that the discharged projectile creates a substantial
122 risk of death or bodily injury to another person; or

123 “(B) In fact:

124 “(i) The person is in, or the discharged projectile travels through or
125 stops in, a location that is:

126 “(I) Open to the general public at the time of the offense;

127 “(II) A communal area of multi-unit housing; or

128 “(III) Inside a public conveyance or a rail station; and

129 “(ii) The person does not have permission to discharge a projectile
130 from a firearm under:

131 “(I) A written permit issued by the Metropolitan Police
132 Department; or

133 “(II) Other District or federal law.

134 “(b) Whoever violates this section shall upon conviction be fined no more than the
135 amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,
136 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-357.01), or incarcerated for
137 no more than 5 years, or both.

138 “(b-1) Whoever violates this section shall upon conviction be fined not more than the
139 amount set forth in § 22-3571.01, or incarcerated for not more than 10 years, or both, if:

140 “(1) The violation of this section occurs after a person has been convicted of a
141 felony, either in the District of Columbia or another jurisdiction; or

142 “(2) 5 or more projectiles are discharged from a firearm within a single course of
143 conduct.

144 “(c) When arising from the same act or course of conduct, a conviction for an offense
145 under this section shall merge with a conviction:

146 “(1) Under section 3a; or

147 “(2) For another offense outside of this act that has, as an element in the offense
148 definition or in the applicable penalty enhancement, possessing or having readily available a
149 firearm, imitation firearm, or dangerous weapon.

150 “(d) No mental state shall be required as to any element under subsection (a)(2)(B) of this
151 section.

152 “(e) It shall be a defense to liability under this section that the person discharged a
153 firearm under circumstances constituting lawful self-defense or defense of others.”.

154 (c) Section 14 (D.C. Official Code § 22-4514) is amended as follows:

155 (1) Subsection (c) is amended to read as follows:

156 “(c) Whoever violates this section shall be punished as provided in § 22-4515 unless:

157 “(1) The violation involves possession of a sawed-off shotgun, or ghost gun, in
158 which case such person shall be imprisoned for not more than 5 years, fined not more than the
159 amount set forth in § 22-3571.01, or both;

160 “(2) The violation involves possession of a machine gun, in which case such
161 person shall be imprisoned for not more than 5 years, which shall be imposed consecutive to any
162 other sentence of imprisonment, fined not more than the amount set forth in § 22-3571.01, or
163 both; or

164 “(3) The violation occurs after such person has been convicted in the District of
165 Columbia of a violation of this section, or of a felony, either in the District of Columbia or in
166 another jurisdiction, in which case such person shall be imprisoned for not more than 10 years,
167 fined not more than the amount set forth in § 22-3571.01, or both.”.

168 (2) Subsection (d) is repealed.

169 (d) A new section 3d is added to read as follows:

170 “Sec. 3d. Unlawful discarding of firearms and ammunition.

171 “(a) It shall be unlawful for any person to knowingly discard, throw, or deposit any
172 loaded or unloaded firearm or ammunition in a place other than the person’s dwelling place,
173 place of business, or on other land possessed by the person.

174 “(b) This offense shall not apply where a person:

175 “(1) Throws, discards, or deposits any firearm or ammunition in a securely locked
176 box or secured container;

177 “(2) Is expressly directed by a law enforcement officer to throw, discard, or
178 deposit any firearm or ammunition, and does so in the manner directed by the officer, and not
179 while fleeing or attempting to elude any law enforcement officer;

180 “(3) Throws, discards, or deposits any firearm or ammunition while participating
181 in a lawful firearms training and safety class conducted by an arms instructor; or

182 “(4) Who is a licensee, as defined in § 7-2509.01(5), and is in compliance with the
183 provisions of § 7-2509.01 *et seq.*

184 “(c) It is an affirmative defense, which must be proven by a preponderance of the
185 evidence, that the person threw, discarded, or deposited the firearm or ammunition while, in fact,
186 voluntarily surrendering the item pursuant to § 7-2507.05 or as expressly provided by District or
187 federal law.

188 “(d)(1) A person who violates this section shall be fined not more than the amount set
189 forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

190 “(2) If the violation of this section occurs after a person has been convicted of a
191 felony, either in the District of Columbia or another jurisdiction, the person shall be fined not
192 more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or
193 both.”.

194 Sec. 7. Title 23 of the District of Columbia Official Code is amended as follows:

195 (a) Section 23-526(a)(2) is amended by striking the phrase “warrant; and” and inserting
196 the phrase “warrant, court order, or term or condition of release; and” in its place.

197 (b) A new section 23-586 is added to read as follows:

198 “§ 23-586. Prearrest Diversion Task Force.

199 “(a) There is established a Prearrest Diversion Task Force (“Task Force”) within the
200 Office of the Deputy Mayor for Public Safety and Justice.

201 “(b) The Task Force shall consist of the following members and organizations, or their
202 designees:

203 “(1) The Deputy Mayor for Public Safety and Justice;

204 “(2) The Deputy Mayor for Health and Human Services;

205 “(3) The Chief of Police of the Metropolitan Police Department;

206 “(4) The Director of the Department of Behavioral Health;

207 “(5) The Attorney General for the District of Columbia;

208 “(6) The chairperson of the Council committee with jurisdiction over judiciary
209 and public safety matters;

210 “(7) The Executive Director of the Criminal Justice Coordinating Council;

211 “(8) A community organization with expertise in mental or behavioral health
212 issues;

213 “(9) A community organization with expertise in substance use disorder issues;

214 and

215 “(10) A community organization with expertise in housing issues.

216 “(c) In addition to the members described in subsection (b) of this section, the Mayor
217 shall invite the following entities, or their designees, to participate as members of the Task
218 Force:

219 “(1) The United States Attorney’s Office for the District of Columbia;

220 “(2) The Pretrial Services Agency for the District of Columbia;

221 “(3) The Court Services and Offender Supervision Agency; and

222 “(4) The Superior Court of the District of Columbia’s Court Social Services
223 Division.

224 “(d) As needed, the Task Force may establish subcommittees of its members.

225 “(e) The duties of the Task Force shall include:

226 “(1) Reviewing and assessing best practices for prearrest diversion;

227 “(2) Making recommendations for prearrest diversion of certain misdemeanor
228 offenses, and certain categories of persons;

229 “(3) Making recommendations regarding the programs, facilities, personnel, and
230 funding that are necessary to implement prearrest diversion;

231 “(4) Making recommendations for any legislative changes that are necessary to
232 enable prearrest diversion;

233 “(5) Implementing prearrest diversion of certain misdemeanor offenses, and
234 certain categories of persons; and

235 “(6) Consistent with the provisions of the Neighborhood Engagement Achieves
236 Results Amendment Act of 2016 (Law 21-0125, effective June 30, 2016), codified at § 5-132.31:

237 “(A) Identifying any potential improvements in police training or
238 procedures relating to police interactions with individuals impacted by homelessness, mental or
239 behavioral health issues, or substance abuse; and

240 “(B) Identifying individuals who frequently interact with police, are
241 frequent mental health consumers, or have suffered from chronic homelessness, and ensure that
242 those individuals are connected to social services.

243 “(f) Within 3 months of the effective date of this legislation, the Task Force shall convene
244 for an initial meeting. Following that initial meeting, the Task Force shall meet on, at least, a

245 monthly basis. Within 1 year of the effective date of this legislation, the Task Force shall issue
246 initial recommendations for prearrest diversion of certain misdemeanor offenses, and certain
247 categories of persons.”.

248 (c) Section 23-1321 is amended as follows:

249 (1) Subsection (a) is amended by striking the phrase “second degree,” and
250 inserting the phrase “second degree, first degree sexual abuse, first degree child sexual abuse,” in
251 its place.

252 (2) A new subsection (c)(1)(C) is added to read as follows:

253 “(C) Where there is a rebuttable presumption of detention pursuant to
254 either § 23-1322(c) or § 23-1325(a), there shall be a rebuttable presumption that the judicial
255 officer will require as a condition of release that the person consent to be subject to search or
256 seizure by a law enforcement officer at any time of the day or night, with or without a search
257 warrant or with or without cause, when that person is in a place other than the person’s dwelling
258 place, place of business, or on other land possessed by the person.”.

259 (d) Section 23-1322 is amended as follows:

260 (1) Subsection (c) is amended as follows:

261 (A) The lead-in language is amended to read as follows:

262 “(c) Subject to rebuttal by the person, it shall be presumed that no condition or
263 combination of conditions of release will reasonably assure the safety of any other person and
264 the community if the judicial officer finds that there is probable cause to believe that the
265 person:”.

266 (A) Paragraph (1) is amended by striking the phrase “or a crime of
267 violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its
268 place.

269 (B) Paragraph (3) is amended by striking the phrase “or a crime of
270 violence, as these crimes are defined” and inserting the phrase “, as that crime is defined” in its
271 place.

272 (C) Paragraph (4) is amended by striking the phrase “crime or a crime of
273 violence” and inserting the word “crime” in its place.

274 (D) Paragraph (5) is amended by striking the phrase “crimes or crimes of
275 violence” and inserting the word “crimes” in its place.

276 (E) Paragraph (6) is repealed.

277 (F) Paragraph (7) is amended by striking the phrase “; or” and inserting a
278 semicolon in its place.

279 (G) Paragraph (8) is amended by striking the period and inserting the
280 phrase “; or” in its place.

281 (H) A new paragraph (9) is added to read as follows:

282 “(9) Committed a crime of violence, as that term is defined in § 23-1331(4).”.

283 (2) Subsection (f) is amended as follows:

284 (A) Paragraph 1 is amended by striking the phrase “; and” and inserting a
285 semicolon in its place.

286 (B) Paragraph (2)(C) is amended by striking the period and inserting the
287 phrase “; and” in its place.

288 (C) A new paragraph (3) is added to read as follows:

289 “(3) Where there is a rebuttable presumption of detention pursuant to either § 23-
290 1322(c) or § 23-1325(a), the judicial officer shall include written findings of fact and a written
291 statement of the reasons for the release, setting forth the evidence that supported the rebuttal of
292 the presumption.”.

293 (3) Subsection (h) is amended as follows:

294 (A) Strike the phrase “extended for one or more additional periods not to
295 exceed 20 days each” and insert the phrase “extended. Extensions may be requested” in its place;
296 and

297 (B) Strike the phrase “exists.” And insert the phrase “exists. If the
298 government petition requesting additional time is based on forensic analysis of evidence that was
299 requested within a reasonable time after the preliminary hearing, or delayed due to defense
300 motions, good cause will be presumed, and the burden will be on the defense to rebut the
301 presumption.” in its place.

302 (e) Section 23-1325 is amended as follows:

303 (1) The section heading is amended by striking the phrase “second degree
304 murder,” and inserting the phrase “second degree murder, first degree sexual abuse, first degree
305 child sexual abuse,” in its place.

306 (2) Subsection (a) is amended as follows:

307 (A) Strike the phrase “second degree,” and insert the phrase “second
308 degree, first degree sexual abuse, first degree child sexual abuse,” in its place;

309 (B) Strike the phrase “a substantial probability” and insert the phrase
310 “probable cause” in its place.

311 (C) Strike the phrase “or imitation firearm,” and insert the phrase
312 “imitation firearm, or other deadly or dangerous weapon,” in its place.

313 (f) Section 23-1331 is amended as follows:

314 (1) Paragraph (3)(H) is amended to read as follows:

315 “(3)(H) Any felony offense under Chapter 30 of Title 22 (Sexual Abuse);”.

316 (2) Paragraph (4) is amended by striking the phrase “third degrees;” and inserting
317 the phrase “third degrees; misdemeanor sexual abuse pursuant to D.C. Code § 22-3006(b);
318 misdemeanor sexual abuse of a child or minor pursuant to D.C. Code § 22-3010.01(b);
319 strangulation;” in its place.

320 Sec. 8. Fiscal impact statement.

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

324 Sec. 9. Effective date.

325 This act shall take effect following approval by the Mayor (or in the event of veto by the
326 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
327 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
328 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
329 Columbia Register.