A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a procedure for the Chief of Police to designate and provide notice of high offense contraband, require licensed businesses to maintain records on purchase of high offense contraband, and allow police access to records; to amend the Office of Administrative Hearings Establishment Act to include within its jurisdiction post-deprivation hearings within 72 hours of a business license revocation, suspension, or restriction; and to amend Title 47 of the District of Columbia Official Code to enable the Chief of Police to request the revocation, suspension, or restriction of business license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Personal Property Robbery Prevention Amendment Act of 2013”.

TITLE I- HIGH OFFENSE CONTRABAND.

Sec. 101. Short title.

This title may be cited as the “High Offense Contraband Act of 2013”.

Sec. 102. Designation; Public Notice.

(1) The Chief of Police may designate types of personal property as high offense contraband (“HOC”). Such designations shall expire after one-year.

(2) In determining whether to designate personal property as HOC, the Chief of Police shall find the following:
(A) The occurrence of a disproportionately high number of arrests for crimes related to this specific personal property type;

(B) The occurrence of a disproportionately high number of calls for police service because of crimes related to this specific personal property type;

(C) The occurrence of a disproportionately high number of complaints of robbery related to this specific personal property type; and

(D) That this specific property type is readily identifiable by a brand or model, such that it is distinguished from a general product category.

(3) Upon the designation of a HOC, the MPD shall report the personal property description to the Mayor and the period of time in which the HOC shall be designated.

(4) The Mayor shall provide public notice of any HOC designation, prior to any designation becoming effective.

Sec. 103. Record maintenance; Police Inspection of Books.

Businesses engaged in the purchase or resale of used HOC items, shall comply with the following:

(1) Each business shall keep a book in which shall be fairly written, at the time of each purchase, an accurate account and description of the HOC, the name and residence of the person selling the HOC, together with a particular description of such person.

(2) The said book shall at all reasonable times be open to the inspection of the Chief of Police.

TITLE II- LICENSE REVOCATION HEARING.
Sec. 201. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 et seq.) is amended by adding a new subsection (k) to read as follows:

“(k) A business licensee may request a hearing within 72 hours after service of notice of the summary revocation, suspension, or restriction of a license to the Office of Administrative Hearings. The Office of Administrative Hearings shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing.”.

TITLE III- LICENSED LOCAL BUSINESS REVOCATION, SUSPENSION, OR RESTRICTION.

Sec. 201. Title 47 of the District of Columbia Official Code is amended to add a new section 47-2837(f) to read as follows:

“(f)(1) When any high offense contraband, as designated by the Chief of Police, has been stolen or sold in the District of Columbia to a licensed business under such circumstances that the Chief of Police determines that such licensed business had cause to believe, or could have ascertained by reasonable inquiry or investigation that the property was stolen, and that the licensed business did not make reasonable inquiry or investigation as to the title of the seller before making the purchase, the Mayor may, without a hearing, summarily revoke, suspend, or restrict a license if the licensee’s operation presents a demonstrated danger to the health, safety, or welfare of the public.

(2) A licensed business may request a hearing to be held within 72 hours after service of notice of the summary revocation, suspension, or restriction of license to the Office of Administrative Hearings.

TITLE IV- FISCAL IMPACT STATEMENT.
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE V- EFFECTIVE DATE.

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