

PR 25-0255 -- Redline

Introduced to Enrolled -- Law Enforcement Arrest Authority Technical Correction Emergency Declaration Resolution of 2023

Deletions ~~struck~~ · Insertions underlined

~~ENROLLED Councilmember~~ORIGINAL Brooke Pinto 4 A PROPOSED RESOLUTION 725-164
~~9~~9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA ~~June 6, 2023~~June 6, 2023 To declare the existence of an emergency with respect to the need to amend section 23-581(a)(3) of the District of Columbia Official Code to make a technical correction to clarify that a law enforcement officer may arrest, without a warrant having been previously issued, a person that the officer has probable cause to believe has committed the offense of fleeing from the scene of an accident, if the officer has reasonable grounds to believe that, unless the person is immediately arrested, reliable evidence of alcohol or drug use may become unavailable or the person may cause personally injury or property damage. (a) Section 23-581 of the District of Columbia Official Code ("Section 23-581") provides authority for law enforcement officers to arrest ~~persons,~~persons without a warrant having been ~~issued,~~issued in limited circumstances. Section 23-581(a)(3) cross-references ~~D.C. section 10(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. Official 1124;~~Code Sec. 50-2201.05(a), which previously established the offense of fleeing from the scene of the accident;
D.C. Official Code Sec. 50-2201.05(a)) ("D.C. Official Code Sec. 50-2201.05"), which previously established the offense of fleeing from the scene of the accident;
Official Code Sec. 50-2201.05(a) was repealed by section ~~102(a)~~102? of the Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of ~~2012~~2012, ~~("Act")~~effective April 27, 2013 (D.C. The Law Act 19-266; ~~established a nearly identical offense, "leaving after colliding", which is codified at D.C. Official 59 Code DCR Sec. 12957) 50-("Act"). 2201.05c, but the Act failed to amend D.C. Official The Code Act Sec. established 23-581(a)(3) a to nearly make identical a offense, conforming entitled amendment. "leaving after colliding," which is codified at D.C. (c) Official Without Code legislation Sec. to 50-2201.05c, correct but this erroneous cross-reference, law enforcement officers may lack the explicit Act authority failed to make amend an section arrest 23-581(a)(3) without a warrant being previously issued where the officer has probable cause to believe make a person conforming is amendment. fleeing the scene of an accident.~~
(c) Without legislation to correct this erroneous cross-reference, law enforcement officers may lack the explicit authority to make an arrest without a warrant being previously issued ENROLLED ORIGINAL where the officer has probable cause to believe a person is fleeing the scene of an accident.
(d) Emergency legislation is necessary to amend section 23-581(a)(3) to reference the authority provided at D.C. Official Code 23-581(a)(3) to reference the authority provided at D.C.
The Council ~~of the District of Columbia~~ determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Law Enforcement Arrest Authority Technical Correction Emergency Amendment Act of 2023 be adopted after a single reading.