

AN AMENDMENT

#1

Date: June 9, 2020

Amendment offered by: Councilmember David Grosso

To: Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020

<u>Version:</u>	Introduced	_____
	Committee Print	_____
	First Reading	_____ X _____
	Amended First Reading	_____
	Engrossed	_____
	Enrolled	_____
	Unidentified	_____

Amendment:

A new subtitle is added to read as follows:

SUBTITLE __. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED
CHEMICAL WEAPONS

Sec. 110. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

(a) Section 102 is amended as follows:

(1) Paragraphs (1) and (2) are renumbered paragraphs (2) and (3) respectively.

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

“(1) “Chemical irritant” means tear gas or any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time

following termination of exposure, or any substance prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, effective April 29, 1997.

(b) Section 116(b) (D.C. Official Code § 5-331.16(b)) is amended to read as follows:

“(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment assembly.

“(2)(A) The Mayor shall request that any federal law enforcement agency operating in the District of Columbia refrain from the use of chemical irritants to disperse a First Amendment assembly.

“(B) Any agreement that the Mayor enters into with another law enforcement agency pursuant to section 11712(a) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 5-133.17(a)), shall prohibit the agency from using less-than lethal projectiles to disperse a First Amendment assembly on property outside the agency’s jurisdiction.”.

Rationale:

This amendment would prohibit MPD from using chemical irritants, including tear gas and pepper spray, to disperse a protest. These weapons are banned in war by the international treaties on chemical weapons. It would also have the effect of prohibiting federal law enforcement agencies operating in the District from using such tactics on non-federal land. After their use in D.C. and around the country by police to violently respond to protests against police violence, the community is demanding that D.C. demilitarize police. This is one step toward that goal.