



Federal Register

**Monday,
December 9, 2002**

Part XXII

**Court Services and
Offender Supervision
Agency for the
District of Columbia**

Semiannual Regulatory Agenda

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA (CSOSA)

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

28 CFR Ch. VIII

Semiannual Regulatory Agenda

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) is publishing its semiannual regulatory agenda pursuant to Executive Order 12866 (58 FR 51735) and the Regulatory Flexibility Act (5 U.S.C. chapter 6). The regulatory agenda lists all agency regulations that are scheduled for development during the next 12 months or that have been issued since the publication of the previous regulatory agenda.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Records Manager, Office of the General Counsel, CSOSA, Room 1253, 633 Indiana Avenue NW., Washington, DC 20004 (telephone: (202) 220-5359; e-mail: roy.nanovic@csosa.gov).

SUPPLEMENTARY INFORMATION: No new regulations have been identified for inclusion in this submission to the regulatory agenda.

George E. Pruden II,
General Counsel.

Court Services and Offender Supervision Agency for the District of Columbia—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---------------------------|----------------------------------|
| 3106 | Agency Seal | 3225-AA05 |
| 3107 | Acceptance of Gifts | 3225-AA06 |

Court Services and Offender Supervision Agency for the District of Columbia—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3108 | Community Supervision: Administrative Sanctions Schedule | 3225-AA00 |
| 3109 | Disclosure of Records | 3225-AA01 |
| 3110 | District of Columbia Sex Offender Registration | 3225-AA03 |
| 3111 | Collection and Use of DNA Information | 3225-AA04 |

Court Services and Offender Supervision Agency for the District of Columbia—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 3112 | Federal Tort Claims Act Procedures | 3225-AA02 |

Court Services and Offender Supervision Agency for the District of Columbia (CSOSA)

Proposed Rule Stage

3106. AGENCY SEAL

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-33; 18 USC 506; 18 USC 1017

CFR Citation: 28 CFR 803 (New)

Legal Deadline: None

Abstract: CSOSA proposes to adopt regulations on the use of its official seal and the official seal for the District of Columbia Pretrial Services Agency (PSA), an independent entity within CSOSA. Use by any person or

organization outside of the Agency may be made only with CSOSA's or PSA's prior written approval. Wrongful use of an official seal is subject to administrative action and/or criminal penalty.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/02 | |
| NPRM Comment Period End | 01/00/03 | |
| Final Action | 07/00/03 | |
| Final Action Effective | 08/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3225-AA05

CSOSA

Proposed Rule Stage

3107. ACCEPTANCE OF GIFTS**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-96**CFR Citation:** 28 CFR 804 (New)**Legal Deadline:** None

Abstract: CSOSA proposes to adopt regulations on the acceptance and use of gifts by itself and by the District of Columbia Pretrial Services Agency (PSA), an independent entity within CSOSA. CSOSA and PSA have been granted specific authority by Congress to accept and use gifts in the form of in-kind contributions of space and hospitality for the purpose of supporting offender and defendant

programs and equipment and vocational training services to educate and train offenders and defendants. These regulations establish procedures for the public to follow when offering a gift, criteria for accepting and using gifts, and procedures for audit and public inspection of records pertaining to the acceptance and use of gifts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/02 | |
| NPRM Comment Period End | 02/00/03 | |
| Final Action | 08/00/03 | |
| Final Action Effective | 09/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3225-AA06**Court Services and Offender Supervision Agency for the District of Columbia (CSOSA)**

Final Rule Stage

3108. COMMUNITY SUPERVISION: ADMINISTRATIVE SANCTIONS SCHEDULE**Priority:** Other Significant**Legal Authority:** PL 105-33**CFR Citation:** 28 CFR 810 (New)**Legal Deadline:** None

Abstract: CSOSA issued interim regulations on administrative sanctions which may be imposed on offenders under CSOSA's supervision who violate the general or specific conditions of their release. The purpose of imposing sanctions is to enable CSOSA staff to respond as swiftly, certainly, and consistently as practicable to noncompliant behavior. Using sanctions will reduce the number of violation reports sent to the releasing authority (for example, the sentencing court or the United States Parole Commission). CSOSA staff will be able to refer offenders back to the releasing authority having demonstrated that CSOSA has exhausted the range of options at its disposal to change the offender's noncompliant behavior. The releasing authority may then concentrate on those referrals which fully merit scrutiny. The purpose of the regulations is to prevent crime, reduce recidivism, and support the fair administration of justice through the promotion of effective community supervision.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 09/20/01 | 66 FR 48336 |
| Interim Final Rule Effective | 09/20/01 | |
| Interim Final Rule Comment Period End | 11/19/01 | |
| Final Action | 12/00/02 | |
| Final Action Effective | 12/00/02 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3225-AA00**3109. DISCLOSURE OF RECORDS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a**CFR Citation:** 28 CFR 802 (New)**Legal Deadline:** None

Abstract: CSOSA proposes to adopt regulations on the disclosure of CSOSA or the District of Columbia Pretrial Services Agency (PSA) records. These regulations include procedures for processing requests for disclosure

under the Freedom of Information Act, under the Privacy Act, and for production of records in response to a demand from a court or other noncongressional authority in connection with a proceeding to which CSOSA or PSA is not a party. The regulations also identify Privacy Act system of records exemptions for both CSOSA and PSA. These regulations are necessary in order to ensure that the public has appropriate access to information maintained by the CSOSA and PSA and that adequate safeguards are in place to protect the privacy rights of individuals.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/15/02 | 67 FR 11804 |
| NPRM Comment Period End | 05/14/02 | |
| Final Action | 11/00/02 | |
| Final Action Effective | 12/00/02 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3225-AA01

CSOSA

Final Rule Stage

3110. DISTRICT OF COLUMBIA SEX OFFENDER REGISTRATION**Priority:** Other Significant**Legal Authority:** PL 105-23; PL 106-113**CFR Citation:** 28 CFR 811 (New)**Legal Deadline:** None

Abstract: CSOSA has issued interim regulations for the registration of sex offenders in the District of Columbia. These regulations provide notice to sex offenders of their duties under the law and under the regulations of the Metropolitan Police Department of the District of Columbia to register with CSOSA. In most instances, sex offenders will receive notification that they are subject to registration when they are being sentenced by the Superior Court of the District of Columbia after being found guilty (or found not guilty by reason of insanity or adjudicated as a sexual psychopath) or when CSOSA becomes responsible for their supervision. In those cases where the offender has previously committed a registration offense and is not currently under supervision, the offender must contact CSOSA to register in order to avoid possible criminal penalty. These regulations are intended to provide for the protection of the public and to ensure that the District of Columbia may provide appropriate notification regarding the presence of sex offenders in the community.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/21/02 | 67 FR 54093 |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 10/21/02 | |
| Comment Period End | | |
| Final Action | 01/00/03 | |
| Final Action Effective | 01/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

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RIN: 3225-AA03**3111. COLLECTION AND USE OF DNA INFORMATION****Priority:** Other Significant**Legal Authority:** PL 106-546**CFR Citation:** 28 CFR 812 (New)**Legal Deadline:** Final, Statutory, June 17, 2001.

Abstract: CSOSA has issued interim regulations on the collection and use of DNA information. DNA information is collected under CSOSA's supervision from individuals who have been convicted of specific offenses identified by District of Columbia statute. The DNA information becomes part of the combined DNA Index System (CODIS),

a national data base of DNA profiles from convicted offenders, unsolved crime scenes, and missing persons. The regulations specify that the DNA sample will be collected in accordance with FBI guidelines. The regulations also establish procedures for cooperating with the Federal Bureau of Prisons to ensure that unnecessary samples will not be collected; establish a standard for what constitutes an individual's refusal to cooperate in the collection of the sample; define what steps CSOSA deems to be reasonably necessary to take when an individual refuses to cooperate; and list in an appendix the offenses which qualify for DNA collection.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/21/02 | 67 FR 54098 |
| Interim Final Rule Comment Period End | 10/21/02 | |
| Final Action | 01/00/03 | |
| Final Action Effective | 01/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3225-AA04**Court Services and Offender Supervision Agency for the District of Columbia (CSOSA)**

Completed Actions

3112. FEDERAL TORT CLAIMS ACT PROCEDURES**Priority:** Other Significant**Legal Authority:** PL 105-33; 28 CFR 14.11**CFR Citation:** 28 CFR 801 (New)**Legal Deadline:** None

Abstract: CSOSA has adopted regulations to supplement Department of Justice regulations for processing administrative claims under the Federal Tort Claims Act (FTCA). These supplemental regulations state in plain language what members of the public

need to do to file a claim for money damages under the FTCA with CSOSA or with the District of Columbia Pretrial Services Agency (PSA). These regulations are necessary to help ensure that persons who suffer proven monetary loss, personal injury, or wrongful death due to a negligent or otherwise wrongful act or omission of a CSOSA or PSA employee committed while acting within the scope of his or her employment will be properly compensated.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/20/01 | 66 FR 58083 |
| NPRM Comment Period End | 01/22/02 | |
| Final Action | 09/13/02 | 67 FR 57947 |
| Final Action Effective | 10/15/02 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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CSOSA

Completed Actions

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