



Federal Register

**Monday,
December 3, 2001**

Part XXI

**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 first 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: CSOSA was established within the Executive branch of the Federal Government by the National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33, 111 Stat. 251, 712 (D.C. Code 24-1232, 24-1233). On August 5, 2000, CSOSA was certified by the Attorney General as an independent Federal agency. CSOSA has identified five regulations for inclusion in its initial 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
3329	Disclosure of Records	3225-AA01
3330	Federal Tort Claims Act Procedures	3225-AA02

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

Sequence Number	Title	Regulation Identification Number
3331	Community Supervision: Administrative Sanctions Schedule	3225-AA00
3332	District of Columbia Sex Offender Registration	3225-AA03
3333	Collection and Use of DNA Information	3225-AA04

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

Proposed Rule Stage

3329. • 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	01/00/02	
Final Action	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3225-AA01

3330. • 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

CSOSA

Proposed Rule Stage

Abstract: CSOSA proposes to adopt 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	01/00/02	
Final Action	04/00/02	
Final Action Effective	05/00/02	

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

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RIN: 3225-AA02

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

Final Rule Stage

3331. • 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	

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/19/01	
Final Action	04/00/02	
Final Action Effective	04/00/02	

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

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RIN: 3225-AA00

3332. • 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 intends to issue 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	01/00/02	
Final Action	05/00/02	
Final Action Effective	05/00/02	

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

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RIN: 3225-AA03

3333. • 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.

CSOSA

Final Rule Stage

Abstract: CSOSA intends to adopt 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 database 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	01/00/02	
Final Action	04/00/02	
Final Action Effective	04/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3225-AA04

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