

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

B24-0416, the “Revised Criminal Code Act of 2021”

Thursday, December 16, 2021, 9:30 a.m. – 3:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://www.facebook.com/CMcharlesallen/>

On Thursday, December 16, 2021, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 24-0416, the “Revised Criminal Code Act of 2021”. The hearing will be conducted virtually via the Zoom platform beginning at 9:30 a.m. and ending no later than 3 p.m. ***This is the Committee’s third hearing on the bill, and this hearing is reserved for government witnesses, including members of the Criminal Code Reform Commission’s Advisory Group.***

The District’s current criminal code is a patchwork of laws that were written at various times by different legislative bodies. Many of its provisions have rarely, if ever, been updated to use contemporary language. For example, important terms are frequently undefined, and requisite culpable mental states are unspecified. Penalties have been set haphazardly, leading to sentences that are disproportionate to the offense at issue or the harm caused. These problems have accumulated over time, resulting in an aging criminal code that is antiquated, inaccessible to laypeople and criminal justice practitioners alike, and that does not reflect current community sentiment and norms.

The Criminal Code Reform Commission (“CCRC”), first established in 2006 as a project within the District of Columbia Sentencing and Criminal Code Revision Commission, was created to address these issues with the District’s criminal code and propose model reforms. The Fiscal Year 2017 Budget Support Act of 2016 later established the CCRC as an independent agency tasked with submitting recommendations to the Mayor and Council for modernizing the District’s criminal code to improve its clarity, consistency, completeness, and proportionality. In addition to its own staff, the CCRC’s recommendations were informed by an Advisory Group, including representatives from the U.S. Attorney’s Office for the District of Columbia, the Office of the Attorney General, the Public Defender Service for the District of Columbia, as well as law professors from George Washington University and Georgetown University. The Advisory Group

provided written and oral comments to the CCRC throughout the fifteen-year review and drafting process.

On March 23, 2021, the five voting members of the CCRC's Advisory Group voted unanimously to approve the CCRC's final recommendations. The CCRC submitted its report containing those recommendations to the Mayor and Council on March 31, 2021. The recommendations include numerous improvements over the current code, including a "General Part" that provides definitions for commonly used terms, rules of liability, rules of interpretation, legal defenses, and a standardized penalty classification scheme. It also includes a "Special Part" that provides newly revised language for nearly three hundred offenses and gradations. B24-0416 would translate the CCRC's recommendations into law.

The stated purpose of B24-0416, as introduced, is to:

- Enact a new Title 22A of the District of Columbia Code, "Revised Criminal Code", and to repeal the corresponding organic legislation in the current Title 22;
- Amend the Firearms Control Regulations Act of 1975 to revise the current unauthorized possession of a firearm or destructive device offense, the current unauthorized possession of ammunition offense, the current possession of a stun gun offense, and the current unlawful storage of a firearm offense; repeal the current possession of self-defense spray offense; codify a new carrying an air or spring gun offense; and codify a new carrying a pistol in an unlawful manner offense;
- Amend Title 16 of the District of Columbia Official Code to revise the jury demandability statute, the criminal contempt for violation of a civil protection order statute, and the parental kidnapping statutes;
- Amend Title 23 of the District of Columbia Official Code to revise the failure to appear after release on citation or bench warrant bond offense, the failure to appear in violation of a court order offense, and the criminal contempt for violation of a release condition offense;
- Amend the District of Columbia Work Release Act to revise the violation of work release offense;
- Amend An Act to Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, to revise authorized terms of supervised release for all crimes and repeal imprisonment terms for select crimes addressed elsewhere;
- Amend section 25-1001 of the District of Columbia Official Code to revise the possession of an open container of alcohol offense;
- Amend An Act To establish a code of law for the District of Columbia to abolish common law criminal offenses;
- Amend the District of Columbia Uniform Controlled Substances Act of 1981 to revise various drug offenses;
- Amend the Drug Paraphernalia Act of 1982 to repeal and revise various drug paraphernalia offenses;
- Repeal archaic criminal offenses in the District of Columbia Code; and
- Make other technical and conforming changes to statutes in the current District of Columbia Code.

For public witnesses who were unable to testify at the Committee's November 4, 2021 or December 2, 2021 hearings, written statements can still be made part of the record. Witnesses who would like to provide written testimony on the bill should email their testimony to the Committee at judiciary@dccouncil.us no later than the **close of business on Friday, December 24, 2021.**