

  
Councilmember Lewis George

  
Councilmember Mary. M Cheh

AN AMENDMENT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: April 5, 2022

Amendment offered by: Councilmembers Cheh and Lewis George

To: B24-302, the Removal and Disposition of Abandoned and Other  
Unlawfully Parked Vehicles Reform Amendment Act of 2022

Version: First Reading

Section 2 is amended as follows:

(a) A new subsection (b-1) is added to read as follows:

“(b-1) Section 4(e) (D.C. Official Code § 50-2421.04(e)) is amended by striking the phrase “prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), imprisonment of not more than 90 days, or both” and inserting the phrase “subject to a civil fine of not more than \$500” in its place.”.

(b) Subsection (c)(2) is amended to read as follows:

“(2) Subsection (c) is amended by striking the phrase “prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), imprisonment of not more than 90 days, or both” and inserting the phrase “subject to a civil fine of not more than \$500” in its place.”.

(c) A new subsection (d) is added to read as follows:

“(d) Section 10(d) (D.C. Official Code § 50-2421.10(d)) is amended by striking the phrase “guilty of a misdemeanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), imprisonment for a period not to exceed one year, or both” and inserting the phrase “subject to a civil fine of not more than \$2,500” in its place.”.

Rationale:

Among other changes effectuated by this legislation, B24-302 would remove imprisonment as a possible penalty for leaving an abandoned or dangerous vehicle in public space. The Committee determined that, given the relatively minor nature of these infraction compared to the high social costs of incarceration, and the District's ongoing efforts to address overincarceration and the collateral consequences of incarceration, imprisonment was an inappropriate penalty for violations of this statute.

However, following the Committee's markup of the legislation on March 15, 2022, the Committee was made aware that additional language existed in the code authorizing imprisonment as a penalty for these infractions. This amendment would address those remaining references in the code, providing clarity on the possible penalties for violations of the statute and making the penalty language consistent throughout this part of the code.

In addition, this amendment clarifies the legislation's intended shift from a criminal to civil penalty for these infractions, including changing the term "punished" to "subject to" throughout this portion of the Code to make consistent the language used throughout the Act to describe consequences for any violations, and removing references to the Attorney General or Corporation Counsel.